3–26–02
Vol. 67 No. 58
Book 1 of 2 Books
Pages 13703–14154

Tuesday
Mar. 26, 2002

Federal Register

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Presidential Documents

Title 3—

The President

Proclamation 7533 of March 21, 2002

National Bone and Joint Decade, 2002–2011

By the President of the United States of America

A Proclamation

Living a life free from daily bone pain or joint discomfort is something most people take for granted. Our bones, joints, and connective tissues are the structure upon which all other systems of the body depend. They give us strength, mobility, protection, and stability. And they permit us to perform a great variety of physical activities that shape our daily lives.

Our musculoskeletal structure is a complex system of tissue and bone that is regularly subjected to trauma, metabolic and genetic processes, and the gradual wear and tear of an active life. When these bones and tissues become damaged or diseased, they can create chronic conditions that may seriously impede and sometimes permanently affect one's health and well-being.

In the United States, musculoskeletal disorders are a leading cause of physical disability. Conditions such as osteoporosis, osteoarthritis, rheumatoid arthritis, back pain, spinal disorders, and fractures, also affect hundreds of millions of people around the world. And many children suffer from crippling bone and joint diseases and deformities, impeding normal development and preventing them from experiencing a full and healthy life.

The incidence of musculoskeletal conditions will increase as the average age of our population increases. And our culture's increasing emphasis on physical activity, while important to society's overall well-being, will also increase the stress factors on bones and joints. Ensuing disorders, if left untreated, could result in significant pain and suffering that would affect employment, well-being, and healthcare costs.

National Bone and Joint Decade, 2002-2011, envisions a series of international initiatives among physicians, health professionals, patients, and communities, working together to raise awareness about musculoskeletal disorders and promoting research and development into therapies, preventative measures, and cures for these disorders. Advances in the prevention, diagnosis, treatment, and research of musculoskeletal conditions will greatly enhance the quality of life of our aging population.

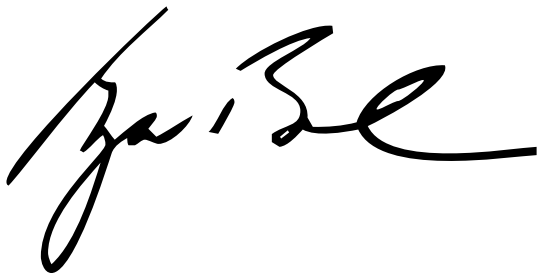
The National Institutes of Health, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and other Federal agencies support many bone and joint studies. Industry and private professional and voluntary agencies support other initiatives. This work involves scientists examining the possible genetic causes of bone and joint diseases and studying how hormones, growth factors, and drugs regulate the skeleton. Other researchers are studying bone density, quality, and metabolism, and other ways to increase the longevity of joint replacements for those whose daily activities have become painful, difficult, or even impossible. These research efforts can help relieve pain and suffering and give countless children and adults the opportunity for a better life.

Thanks to the hard work of these dedicated researchers, we have made great progress in understanding and treating musculoskeletal disorders. I commend their efforts and encourage them to pursue diligently further research that will help those suffering from these disorders. And I hope

that all Americans will learn more about musculoskeletal problems, their long- and short-term effects, and the therapies and treatments available to help them.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the years 2002–2011, as National Bone and Joint Decade. I call upon the people of the United States to observe the decade with appropriate programs and activities; and I call upon the medical community to pursue research in this important area.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 02–7360
Filed 3–25–02; 8:45 am]
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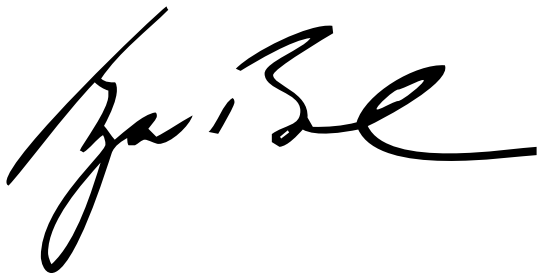

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Presidential Documents

Proclamation 7534 of March 21, 2002

Education and Sharing Day, U.S.A., 2002

By the President of the United States of America

A Proclamation

America's future depends in part on ensuring that every child in America receives a quality education. And by teaching our children the importance of serving those in need, we will help fulfill an important part of their education, showing them the rewards that come from compassionate outreach.

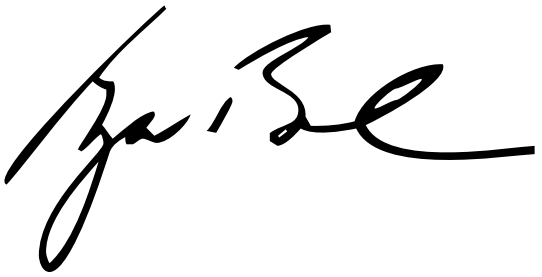
Education has always played a vital role in the success of our Nation. It has provided hope through the principle that any citizen can realize the American dream, regardless of background, ethnicity, or faith. By challenging young people to set high goals and to work hard to achieve them, we prepare our youth to carry on the success of the American story and to become leaders of this great Nation. A core foundation of knowledge and values is essential for students to excel and contribute to the well-being of our communities, our country, and the world.

Parents are a child's first and most important teachers, and they provide the cornerstone of a child's early education. Quality teachers, however, also play an important role in a child's personal and intellectual development. The *No Child Left Behind Act of 2001*, which I signed into law in January 2002, requires that, by the end of the 2005–06 school year, there must be a ''highly qualified'' teacher in every classroom. Through this new law, States and school districts will have multiple tools to help them meet the new teacher quality requirements. Key elements of this effort include providing State grants to recruit and train teachers, and recruiting high-quality individuals to become teachers, offering expanded student loan forgiveness for teachers. And we must encourage Americans to volunteer their time to serve as mentors to our young people.

Great teachers are also found outside the classroom, making a positive impact on children and on local families. For example, Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, demonstrated the power of teaching others to pursue both intellectual and moral excellence. For this purpose, he established education and outreach centers that offered social services and humanitarian aid. Today, more than 1,400 of these centers operate in 35 countries, meeting the spiritual and material needs of local communities. These beacons of hope communicate the Rebbe's ideal of living a meaningful life through personal responsibility and dedication to those in need. On the 100th anniversary of the Rebbe's birth, I encourage Americans to help teach our young people. In classrooms, homes, and places of worship, we can all make a lasting impact on individual children and thus invest in our country as a whole.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 24, 2002, as Education and Sharing Day, U.S.A., 2002. I call on all Americans to help our young people better understand the importance of character and develop a true love of learning. By doing so, we invest in the future of our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 02–07361
Filed 03–25–02; 8:45 am]
Billing code 3195–01–P

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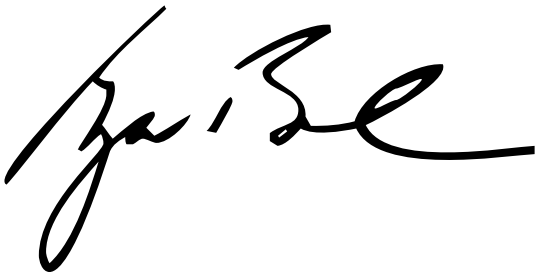
NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 24, 2002, as Education and Sharing Day, U.S.A., 2002. I call on all Americans to help our young people better understand the importance of character and develop a true love of learning. By doing so, we invest in the future of our country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 02–07361
Filed 03–25–02; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 784

RIN 0560—AG17

Lamb Meat Adjustment Assistance Program

AGENCY: Farm Service Agency, USDA.
ACTION: Final rule.

SUMMARY: This rule finalizes an interim rule implementing the Farm Service Agency's (FSA) Lamb Meat Adjustment Assistance Program (LMAAP). The program is designed to help restore purchasing power and enable producers to make significant changes in production practices to adjust to import competition by providing financial assistance to sheep and lamb producers who have recently experienced low prices and poor market conditions. On the basis of comments and suggestions received, FSA is making several changes to the program provisions in the interim rule and is adding other provisions.

EFFECTIVE DATE: March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Danielle Cooke, (202) 720–1919 or e-mail *danielle_cooke@wdc.fsa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Farm Service Agency (FSA) is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any legal action may be brought regarding determinations of this rule, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3014, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act of 1995

A notice with request for comments on the information collection was part of the interim rule. No comments were received from the public during the 60-day comment period regarding the information collection. A regular submission of an information collection package was approved by OMB for use through the year 2003 and assigned OMB control number 0560–0205. The amendments to 7 CFR part 784, contained in this rule involve a change in existing information collection requirements that was previously approved by OMB. In accordance with the Paperwork Reduction Act of 1995, FSA has submitted an emergency information collection request to OMB for the approval of a revision to a currently approved collection as necessary for the proper functioning of the program. A regular information collection package will be submitted to OMB.

Discussion of Final Rule

The interim rule published in the **Federal Register** on June 21, 2000 (65 FR 38409), set forth regulations to allow direct payments to provide immediate financial assistance to sheep and lamb producers who have recently experienced low prices and poor market conditions. The background provisions of that rule described, in addition, the statutory underpinnings of the program, those being provisions of the Act of August 24, 1935, as amended. One of those provisions is clause (3) of section 32, which authorizes the Secretary of Agriculture to ''reestablish farmers purchasing power in connection with the normal production of any agricultural commodity for domestic consumption.'' Under the program, eligible producers of sheep and lambs may receive direct payments towards the production segment of the industry to share expenses for productivity improvement projects. In the second and third year, under the original rule direct payments to producers are based on quality incentives that will assist the industry's competitiveness in the marketplace. To enhance the competitiveness of the domestic lamb and sheep industry, the program is extended by this rule through July 2003 and the rule contemplates that an additional $37.7 million of Fiscal Year 2002 Section 32 funds will be available for the program. Of the $37.7 million in additional funds, $26 million will be allocated to the new ewe lamb incentive payment for Year 3 and Year 4, while the remaining funds will go towards continuing feeder lamb and slaughter lamb payments during Year 2, Year 3, and Year 4 of the program.

Comments regarding the provisions of the program were accepted until July 21, 2000. Comments were received from 48 entities or persons, which includes 28 sheep producers and ranchers, 13 agricultural associations, two farm bureaus, two United States Congressmen, one agricultural university, and two Agency employees.

Most of the comments addressed particular provisions of the interim rule. These are discussed below on a section-

by-section basis, along with the changes that have been made to the interim rule. Changes to each section based on the experience of operating the program under the interim rule are also discussed on a section-by-section basis.

General

Five respondents commented that the program does not benefit the industry and excludes the small farmer. Prior to publishing the interim rule, USDA provided several opportunities for public participation in the rulemaking process through highly publicized meetings. Comments and program proposals were solicited after the President's announcement of the assistance package to assess their needs and obtain regulatory guidance. We believe the interests of small producers have been duly addressed and considered, as all elements of the industry will be able to share in the elements of this program without an increase in payment rates.

Section 784.1 Applicability; Available Payments

Most of the comments concerned the lack of an incentive or a payment to encourage the purchase or retention of ewe lambs for breeding stock to replenish the lambing inventory. By this rule, FSA, in conjunction with AMS, will add a ewe lamb incentive payment to the program. This will provide incentives for producers to purchase or retain their breeding ewes, expand herds, and increase the available supply of domestic lamb meat. Payments for the new ewe lamb incentive payment program cover purchases back to August 1, 2001, and then continue for two payment years through July 31, 2003. An additional $26 million is authorized for the ewe lamb incentive payment with a target of $13 million per year.

Also in this section, slaughter and feeder lamb payments have been extended one year through July 31, 2003. This will enable domestic lamb and sheep producers to compete more effectively in the marketplace. A total of $10 million has been authorized to make payments available for marketings of eligible feeder and slaughter lambs during Year 4. In addition, $1.7 million has been allocated to cover the anticipated short fall of funds for marketings of eligible feeder and slaughter lambs during Year 3.

Section 784.3 Definitions

Three respondents believed the ''feeder lamb definition'' provided for in section 784.3 should be changed to allow for lambs fed using a high protein diet or other appropriate diet. That comment was accepted, as the original definition may be too narrow.

As there is a one year extension of the LMAAP, a definition for Year 4 was added. A definition for ''ewe lamb'' was also added to reflect the expansion of the program.

Section 784.4 Year 1 Time and Method for Application

Some of the commenters believed that the time periods between the program announcement and the program deadlines were too short, and that the eligibility period should be retroactive from the 1999 marketing season. FSA, however, established the dates of the program to coincide with the dates in the President's announcement of the $100 million assistance plan to help U.S. sheep and lamb farmers. Therefore, the comment was not adopted and no such changes were made in this final rule.

Section 784.5 Year 1 Eligibility

There were several public comments received regarding Year 1 payments. Specifically, seven respondents felt the use of a gross annual revenue level was too restrictive and precluded many from qualifying for a payment during Year 1 or a feeder lamb payment during Year 2. FSA, however, established the use of a gross annual revenue of $2.5 million or less to help ensure that the Federal financial benefits of this rule are distributed to farmers of more modest financial means. Therefore, the comments are not adopted into this final rule.

Although no comments on this issue were received, while operating under the interim rule, FSA decided to establish a deadline date for producers to complete facility improvements. This provision was added to ensure producer timely compliance with eligibility requirements provided in § 784.5(b)(3). Sheep and lamb operations that do not complete the facility improvements by the deadline date will be determined ineligible for benefits and must immediately refund the payment made and with interest.

Three comments were received from the public who felt that farm raised rams for breeding up to yearling age should be eligible to generate a payment. Other suggestions included that to be eligible to generate a ram payment, the ram should show evidence of various traits of above average genetic potential; another suggested that a provision be added for payments for ram semen and embryo purchases. No change was made as the current incentives appear sufficient to accomplish the program purposes and more directly aimed at the desired result. For the time period covered, the genetic potential of a ram, ewe or lamb was evaluated and payment made through enrolling in the National Sheep Improvement Program (NSIP), or a similar FSA approved program, that evaluates animals in a flock for maternal, growth, and wool traits. We think these guidelines were sufficient, and at this point the ram portion of the program is over.

Two comments received opposed the sheep improvement program payment by stating this payment does not address the entire industry and should be eliminated. Another comment suggested that Government funds should not be used to solicit membership in voluntary programs such as the NSIP. Comments also suggested that the sheep improvement program payment should include payments with respect to a scrapie program.

The NSIP was approved by USDA because of its recognition in the industry, but the rule allowed for other programs to be approved as well. Scrapie programs were not included in the sheep improvement program because funds under the alternative Domestic Lamb Industry Adjustment Assistance Program were specifically appropriated for animal health issues that included scrapie eradication. Further, scrapie eradication programs are not genetically based and would, therefore not qualify as a genetic evaluation program.

Five of the received comments directed concern toward the ineligibility of facility improvements begun and not completed by the end of the sign-up period. One respondent believed that the facility improvement eligibility requirements were too broad, and more specific guidelines were needed. One respondent was concerned that the facility improvement payment was not designed to make a difference because it was geared more towards small producers and not the entire industry. In response to these concerns, policy and procedure was established in this final rule to provide specific guidelines for facility improvements and a deadline date was established to have facility improvements completed beyond the deadline established for producers to apply for program payments.

Section 784.6 Year 1 Rate of Payment and Limitations on Funding

Three comments were received from the public who believed that the maximum ram payment rate for Year 1 payments should be increased. The payment limitations in Year 1 were

imposed to assure fair distribution of available funds for all eligible producers with the total available funding and we believe were set at appropriate levels to cover the program goals. No changes were made.

Section 784.8 Year 2 and Year 3 Time and Method for Application

The majority of the comments received were regarding Year 2 and Year 3 eligibility requirements. Four comments indicated that Year 2 and Year 3 payments should be based on actual sales receipts from the market place because the eligibility requirements for payments with respect to slaughter and feeder lambs and the paperwork involved were too complicated and cumbersome. In response to this concern, FSA has revised operating procedure to allow producers to self-certify feeder lambs by fax by faxing the last page of the LMAAP application form to AMS at least two working days prior to a designated 24-hour viewing period. Then USDA agents, based on their availability, would randomly select sheep and lamb operations to verify the claims. Following that, the producer to receive payment would submit to their FSA county office the completed Form FSA–383 and supporting documentation, as proof of the faxed information.

Also, in the final rule, the provision in § 784.5 allowing a payment to a sheep and lamb operation that owned a feeder lamb continuously for 30 days prior to marketing has been changed to require the operation to own the feeder lamb continuously from birth to the time of marketing. The interim rule led to attempted abuse by a few producers who falsified lamb sales records to circumvent the regulation in order to receive multiple payments.

Several comments received with respect to the slaughter lamb carcass requirements in this section suggested that the 55 to 75 pound dressed hot carcass weight requirement be increased to 80 pounds. Other comments suggested that the 55 to 75 pound dressed hot carcass weight should be eliminated, to accommodate northeastern producers. These producers typically do not qualify for a feeder or slaughter lamb payment because they sell to restaurant and ethnic markets where lamb carcasses average 20 to 45 pounds dressed hot carcass weights. Respondents felt that fine wool sheep would not meet the muscling criteria because the fine wool breeds of the northeastern region are slower to develop muscling. Two comments were received that suggested a gradual phase in of program standards that would allow breeding programs to adjust to a policy that favors breeds suited to meat production rather than wool production. There were also three comments that suggested Yield grade 3 slaughter lamb carcasses be eligible for payment.

USDA uses the standard of a hot carcass weight of 55 to 75 pounds to provide lamb consumers with a more appealing product. This standard also serves to improve profitability by increasing the efficiency of the lamb production cycle and to encourage the production of more consistently palatable and higher yielding lamb products. Lamb processors want larger carcasses because there is less labor involved for the amount of meat that is realized. Additionally, the weight range and yield grade were not changed in the final rule because the industry wants a more uniform carcass that yields a consistent product in size, weight, and appearance. Finally, the concept of plate coverage was considered in making this determination. The food service industry prefers fewer ribs with larger portions when preparing meals from middle meats. Therefore, these comments are not adopted in this final rule.

Seven comments received from the public expressed concerns about AMS certification, particularly whether AMS has the resources to certify to the feeder and slaughter lambs for the qualifying factors. Eleven comments were received suggesting that AMS simplify the certification procedures by allowing USDA inspectors and small USDA processing plants to certify the carcass criteria. Other suggestions included allowing a waiver of slaughter lamb carcass requirements to producers that marketed less than 500 lambs per year and allowing the use of a Statewide average grade score as a proxy for individual slaughter lamb carcass data. Five respondents believed that a provision should be established to allow producers who sell lambs on a live weight basis to be eligible for payments in Year 2 and Year 3. Some comments suggested that the slaughter lamb payments be based on 100 pounds per lamb with a 145 pound cap. The producer would have to produce receipts for the pounds of lambs sold to the packer and receipts for the pounds of lambs purchased from the sheep producer, and the payment would be based on the difference. To address these situations, the Agency will allow slaughter facilities that process less than 50 market lambs per week to certify the slaughter lamb carcass requirements, provided they are approved by AMS and meet the established guidelines. Otherwise, the rules appear to be appropriate and efficient with respect to the accomplishment of the goals of the program and administrative necessities.

Three respondents felt that slaughter lambs placed on a truck along with those of several other producers for transport to a slaughter facility would be a major problem and that payments should not be based on a producer's pro rata share. In response to this concern, the LMAAP application form has been revised to assist the sellers of slaughter lambs to identify and trace their lambs placed on a commingled truck load and sold to a slaughter facility. Otherwise the slaughter facility could not identify the number of lambs from a particular producer. This form must accompany lambs to the slaughter facility and be presented to the USDA grader for certification and payment. However, these payments will still be based on a pro-rata share.

Section 784.10 Availability of Funds for Year 1 through Year 3

There were no comments on this section, however, an additional $1.7 million has been authorized to cover an anticipated shortfall in the $10 million allocated to FSA for the feeder and slaughter lamb direct payment in Year 3. Payments for eligible slaughter and feeder lambs will continue through July 31, 2003, to further provide those eligible for the payments with an immediate infusion of funds to help pay operating expenses and meet other financial obligations. An additional $10 million will be provided to extend the direct payments for eligible feeder and slaughter lambs into 2003. In addition, $26 million is authorized for the new ewe lamb incentive payment during Year 3 and Year 4. These changes will increase the total available funds for the program in the final rule from $30 million to $67.7 million and establish a program for Year 4.

Section 784.13 Estates, Trusts, and Minors

One public comment was received from a surety association regarding the participation of minors in the program and the enforceability of a surety contract with a minor. However, provisions exist that allow a minor who meets the LMAAP program eligibility requirements to participate in the program, provided the applicable program documents are signed by the minor and co-signed by a person determined by the FSA County Committee to be financially responsible.

Section 784.17 was added to provide offset and withholding provisions and

§ 784.18 was added for assignment of payments. Also, minor changes are made throughout this part to improve structure, clarity, and readability. Also, internal agency administrative procedures are removed.

Finally, changes were made in the proration language of the rule to cover possible over-subscription. The rule contemplates that Year 4 payments will be prorated in advance to comply with expected demand and then paid first-come, first-served, until exhausted. Also the rule specifies that monies committed to ewe incentives may be used only for those purposes and that no other program money will be used for those purposes.

The Department of Agriculture plans to evaluate this program's effectiveness through a review of the impact of several key components. The performance measures will include an annual review of the change in the following: (1) U.S. flock size; (2) quality and yield of slaughter lambs; (3) number of feeder lambs qualifying for payments; and (4) number and quality of ewes retained. These evaluations will continue for the duration of the program.

List of Subjects in 7 CFR Part 784

Administrative practice and procedure, Direct payments to sheep and lamb operations, Reporting and record keeping requirements.

Accordingly, for the reasons set forth in the preamble, 7 CFR part 784 is revised to read as follows:

PART 784—LAMB MEAT ADJUSTMENT ASSISTANCE PROGRAM

Sec.

784.1 Applicability; available payments.
784.2 Administration.
784.3 Definitions.
784.4 Year 1 time and method for application.
784.5 Year 1 eligibility.
784.6 Year 1 rate of payment and limitations on funding.
784.7 Year 2, Year 3, and Year 4 time and method for application.
784.8 Year 2, Year 3, and Year 4 eligibility.
784.9 Year 2, Year 3, and Year 4 rate of payment and limitations on funding.
784.10 Availability of funds for Year 1 through Year 4.
784.11 Appeals.
784.12 Misrepresentation and scheme or device.
784.13 Estates, trusts, and minors.
784.14 Death, incompetency, or disappearance.
784.15 Maintenance and inspection of records.
784.16 Refunds; joint and several liability.
784.17 Offsets and withholdings.
784.18 Assignments.

Authority: Clause (3) of section 32 of the Act of August 24, 1935, as amended; 7 U.S.C. 612c.

§ 784.1 Applicability; available payments.

(a) This part establishes the Lamb Meat Adjustment Assistance Program pursuant to Clause (3) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c). The purpose of this program is to provide benefits to sheep and lamb operations to reestablish their purchasing power in connection with the normal production of sheep and lambs for domestic consumption and boost the long-term development and growth of sheep and lamb production in the United States.

(b) Under and subject to this part, FSA will provide with respect to sheep and lamb operations: Year 1 payments in which sheep and lamb operations will receive payments for, during the time period encompassing Year 1 as defined in § 784.3, purchasing eligible rams for breeding, enrolling their herd in a sheep improvement program, and for making improvements to their production facilities; Year 2, Year 3, and Year 4 payments for marketings of eligible slaughter lambs or feeder lambs during the period encompassing those time periods; and Year 3 and Year 4 payments for retaining or purchasing ewe lambs for breeding stock to replenish the lamb inventory during the period encompassing those time periods. Unless otherwise determined by the agency in accordance with the provisions of this part, the amount that may be expended under this part shall not exceed $67.7 million. Claims that exceed that amount will be prorated in accordance with the provisions for proration that are contained in this part.

(c) To be eligible for any payments under this part, the sheep and lamb operation must be engaged in the business of producing and marketing agricultural products at the time of filing the application.

§ 784.2 Administration.

This part shall be administered by the Farm Service Agency (FSA) under the general direction and supervision of the Administrator, FSA, or his designee and the employees of the Agency.

§ 784.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Lamb Meat Adjustment Assistance Program established by this part.

Agricultural Marketing Service or AMS means the Agricultural Marketing Service of the Department.

Application means the Lamb Meat Adjustment Assistance Program Application, Forms FSA–382 and FSA–383.

Average Choice Confirmation means a muscling score of that designation assigned in accordance with official USDA standards and procedures.

Department means the United States Department of Agriculture.

Eligible lambs means feeder lambs and slaughter lambs during Year 2 through Year 4 and also ewe lambs during Year 3 through Year 4.

Ewe lamb means a female lamb no more than 18 months of age that has not produced an offspring.

Farm Service Agency or FSA means the Farm Service Agency of the Department.

Feeder lamb means a ewe or wether of less than one year of age that when sold is intended to be further fed a high protein diet or other appropriate diet to reach an acceptable slaughter market weight.

Foot rot means an infectious, contagious disease of sheep that causes severe lameness and economic loss from decreased flock production.

Lambing cycle means the period of time from birth to weaning.

Parrot mouth means a genetic defect resulting in the failure of the incisor teeth to meet the dental pad correctly.

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien or aliens in the United States.

Secretary means the Secretary of the United States Department of Agriculture or any other officer or employee of the Department who has been delegated the authority to act in the Secretary's stead with respect to the program established in this part.

Sheep and lamb operation means any self-contained, separate enterprise operated as an independent unit exclusively within the United States in which a person or group of persons raise sheep and/or lambs.

Sheep improvement program means the ''National Sheep Improvement Program'' operated by the American Sheep Industry Association or other similar program for herd improvement approved by the FSA with respect to payments under this part.

Slaughter lamb means a lamb that is sold for immediate slaughter.

United States means the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

USDA Choice, USDA Prime, USDA Yield Grade 2 mean, respectively, the classifications for lamb carcasses so

designated under the Official United States Standards for Grades of Lamb, Yearling, Mutton, and Mutton Carcasses promulgated by the Secretary of Agriculture under the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621–1627) and related authorities.

Year 1 means the period of time beginning July 22, 1999, and ending September 30, 2000.

Year 2 means the period of time beginning August 1, 2000, and ending July 31, 2001.

Year 3 means the period of time beginning August 1, 2001, and ending July 31, 2002.

Year 4 means the period of time beginning August 1, 2002, and ending July 31, 2003.

§ 784.4 Year 1 time and method for application.

(a) A request for Year 1 benefits under this part must be submitted on a Lamb Meat Adjustment Assistance Program Payment Application. The form may be obtained from and must be submitted to the FSA county office serving the county where the sheep and lamb operation is located. The completed form must be received by the FSA county office by the close of business on October 13, 2000. Applications not received by the close of business on October 13, 2000, will be returned as not having been timely filed and the sheep and lamb operation filing the application will not be eligible for benefits under this program.

(b) The sheep and lamb operation requesting Year 1 benefits under this part must certify to the accuracy of the information provided in their application for benefits. All information provided is subject to verification by FSA. Refusal to allow FSA or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it, program benefits will not be approved. Providing a false certification may result in additional civil and criminal sanctions.

(c) Not withstanding any other provisions of this section, payments will not be made under this section for the acquisition of rams to the extent that any such purchase, at any time during Year 1, created, or help create, a ratio of rams to ewes for the operation that was less than 1 ram to 15 ewes. However, the limitation on payments provided for in the preceding sentence shall not apply to the extent that the operation establishes to the satisfaction of the FSA County Office Committee that a lower ratio of rams to ewes is customary for the operation for breeding purposes.

§ 784.5 Year 1 eligibility.

(a) To be eligible to receive the Year 1 payments under this part, as described in § 784.1, at the rates provided in § 784.6, a sheep and lamb operation must:

(1) Be engaged in the business of producing and marketing agricultural products at the time of filing the application;

(2) Have in 1999 gross annual revenue of $2.5 million or less; and

(3) During Year 1,

(i) Purchased rams for breeding purposes within that operation, provided that such rams must have been at least 90 days of age when purchased and must have been, or will be, maintained by the operation for at least 90 days continuously after the date of purchase; or

(ii) Enrolled sheep in an eligible sheep improvement program; or

(iii) Made sheep and lamb operation facility improvements with respect to their operation.

(b) To be eligible for payments for facility improvements made under paragraph (a)(3)(iii) of this section, the sheep and lamb operation must do the following:

(1) Submit supporting documentation of the cost of the improvements made to the facility during program Year 1. Supporting documentation must be dated during Year 1. Materials purchased prior to Year 1 are ineligible.

(2) Use facility improvements for sheep and lamb production activities continuously for at least the next three consecutive years, and

(3) Must complete the facility improvement by a date determined by the Administrator of FSA, or his designee. The Deputy Administrator for Farm Programs, FSA may authorize State and county committees to waive or modify the facility improvement completion date in cases where timeliness or failure to meet such other requirements does not adversely affect the operation of the program.

(c) Upon a failure to maintain the facility for the full three years or complete the facility improvement by the established deadline, the operation must refund the Year 1 facility payment immediately plus interest at the rate of interest determined by the Agency, from the date FSA made such benefits available to the date of repayment.

(d) With respect to payments made for activities addressed in paragraph (a)(3)(i) of this section, upon any failure to maintain a ram for the full required 90-day period after payment, unless the 90-day period referred to in paragraph (a)(3)(i) of this section has already expired, the operation must immediately refund the payment plus interest at a rate determined by the Agency.

§ 784.6 Year 1 rate of payment and limitations on funding.

Subject to the availability of funds and to the proration rules of § 784.10, Year 1 payments for qualifying operations shall be at the following rates:

(a) Up to $100 for each eligible ram purchased, with a maximum of $2,500 per sheep and lamb operation;

(b) $.50 for each qualifying sheep enrolled in a qualifying sheep improvement program, up to $500 per sheep and lamb operation; plus

(c) 20% of the cost of the qualifying facility improvements up to $2,500 per sheep and lamb operation.

§ 784.7 Year 2, Year 3, and Year 4 time and method for application.

(a) A request for Year 2, Year 3, and Year 4 benefits under this part must be submitted on a completed Lamb Meat Adjustment Assistance Program Payment Application. The application must be submitted to the FSA county office serving the county where the sheep and lamb operation is located but, in any case, must be received by the FSA county office by the close of business on August 15, 2001, if applying for Year 2 benefits, by the close of business on August 15, 2002, if applying for Year 3 benefits, and by the close of business August 15, 2003, if applying for Year 4 benefits. The certification section of the application must be completed prior to submission. Applications not received by the respective deadlines will be rejected and returned.

(b) The sheep and lamb operation requesting benefits under this part must certify to the accuracy of the information provided in their application for benefits. All information provided is subject to verification by FSA. Refusal to allow any agency of the Department of Agriculture to verify any information provided will result in rejection of the application or an obligation to return payments. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 784.8 Year 2, Year 3, Year 4 eligibility.

(a) Subject to the availability of funds, Year 2, Year 3, and Year 4 payments will, as described to in § 784.1, be made for eligible marketings of slaughter lambs. Payments for slaughter lambs can be received by an operation at the rates described in § 784.9 for those eligible lambs slaughtered in Year 2, Year 3, and Year 4 if the lambs were owned continuously for 30 days prior to the marketing for slaughter and if the carcass produced meets the criteria set out in paragraph (b) of this section. Other criteria, as set out in this part, may also apply as a condition for, or limitation on, payment. See paragraphs (d) and (g) of this section for feeder lamb and purchased or retained ewe lamb payment eligibility.

(b) In order for a marketing of a slaughter lamb to qualify for payment under paragraph (a) of this section, the carcass produced by the slaughter must meet and be certified by an AMS agent to meet the following criteria:

(1) Meet the requirements of USDA Quality Grade Choice or Prime for lamb carcasses;

(2) Meet the requirements of USDA Yield Grade 2;

(3) Have a muscling confirmation score of ''Average Choice'' or better; and

(4) Have a 55–75 pound dressed hot carcass weight.

(c) Slaughter facilities that process less than 50 market lambs per week on a yearly basis can request approval from AMS to certify the slaughter lamb carcass requirements according to paragraph (b) of this section. To obtain approval from AMS, the slaughter facility must submit a written request for AMS approval to the address provided by FSA.

(d) Eligible slaughter lambs commingled on a pooled load for transport to a slaughter facility must complete the applicable information on the LMAAP application form. Producers with lambs on these pooled loads can receive a pro-rata portion of payment for eligible slaughter lambs that meet the criteria for payment according to paragraph (b) of this section. The LMAAP application must accompany lambs to the slaughter facility and be presented to the USDA grader for certification. The seller must comply with all other FSA guidelines to be eligible for such benefits for this program.

(e) Subject to the availability of funds, sheep and lamb operations may be eligible for the Year 2, Year 3, and Year 4 feeder lamb payments, as specified in § 784.9, if:

(1) The operation had gross sales of no more than $2.5 million in the year preceding the year for which payment is requested; and

(2) The feeder lambs sold were owned by the operation from birth to the time of marketing and, when marketed, were certified by AMS, as thick-muscled and large-framed.

(f) An eligible sheep and lamb operation can self-certify to the eligibility criteria described in paragraph (e) of this section, if they do the following:

(1) Certify to the number of feeder lambs that meet the criteria in paragraph (e)(2);

(2) Maintain identification with the farm or ranch of origin of the feeder lambs for a 24-hour viewing period to allow AMS agents or their assigned representatives an opportunity to verify qualifying feeder lambs;

(3) Complete and fax page 4 of the LMAAP application to a number provided by FSA or AMS at least 2 workdays prior to a 24-hour period when lambs can be viewed for verification, providing on the form the location and contact person for USDA verification purposes;

(4) Submit an LMAAP Application for payment;

(5) Submit supporting documentation to the local county office to prove that page 4 of the LMAAP application was completed and faxed according to paragraph (f)(3) of this section.

(g) Sheep and lamb operations that elect not to self-certify according to paragraph (f) of this section, can self-certify to the eligibility criteria described in paragraph (e) of this section when lambs lose ownership identification by doing the following:

(1) Provide unique identification for all marketed lambs by:

(i) Requesting program ear tags in writing from USDA (the address is available at any local FSA office); or

(ii) Uniquely identifying or tagging each qualifying self-certified feeder lamb that meets the eligibility requirements clearly described in paragraph (e)(2) of this section before transferring ownership. Alternative methods of identification may be used such as other unique ear tags or paint brands;

(2) Complete and fax page 4 of the LMAAP application to a number provided by FSA including the location of the lambs for 30 days after FAX notification and the type of animal identification;

(3) Submit LMAAP Application to the local county office for payment; and

(4) Submit supporting documentation to the local county office to prove that page 4 of the LMAAP application was completed and faxed according to paragraph (g)(2).

(5) Applicable FSA program forms, office addresses, and fax number information is available on the internet at *www.sc.egov.usda.gov.*

(h) In order for an eligible sheep and lamb operation to receive a ewe lamb incentive payment, the producer must certify that the ewe lamb, at the time of certification is:

(1) Not older than 18 months of age;

(2) Has not produced an offspring;

(3) Does not possess the following characteristics:

(i) Parrot mouth; or

(ii) foot rot.

(i) In addition, to qualify for ewe lamb incentive payment, the sheep and lamb operation must:

(1) Certify that it will maintain the qualifying ewe lambs in the herd for at least one complete offspring lambing cycle and actually maintain the lambs for that period in accord with that certification.

(2) Upon request by an AMS agent, agree to allow the AMS agent to verify that the ewe lambs meet qualifying characteristics. These qualifying characteristics inter alia, must be certified by an AMS agent as equal or superior to those required for lamb incentive payments, as described in paragraphs (b) and (e) of this section.

(3) Maintain documentation of any death loss of qualifying ewe lambs.

(4) Agree to refund any payments made with respect to any ewe lamb which has died before completing the full program requirements where said deaths for the operation exceed 10 percent per program year.

(5) Be in compliance with all requirements relating to Scrapie, as described in 9 CFR part 79; and

(j) To be eligible for any payments addressed under this section, sheep and lamb operation must be engaged in the business of producing and marketing agricultural products at the time of filing the application.

(k) In addition, to be eligible for Year 2, Year 3, and Year 4 payments, a sheep and lamb operation must submit a timely application during the application period for Year 2, Year 3, and Year 4 benefits and comply with all other terms and conditions of this part or which are contained in the application to be eligible for such benefits.

§ 784.9 Year 2, Year 3, and Year 4 rate of payment and limitations on funding.

Subject to the availability of funds, and the proration rules set out in § 784.10, Year 2, Year 3, and Year 4 payments may be made to sheep and lamb operations at the following rates:

(a) $3 for each qualifying feeder lamb; plus

(b) $5 for each qualifying slaughter lamb marketed in any covered month except for June or July of the applicable program year, and

(c) $8 for each qualifying slaughter lamb marketed in June or July of the applicable program year.

(d) $18 for each qualifying ewe lamb retained or purchased for breeding purposes for Year 3 and Year 4 only.

§ 784.10 Availability of funds for Year 1 through Year 4.

(a) Total payments under this part, unless otherwise determined by the FSA, cannot exceed $67.7 million. At the close of Year 3, FSA will determine if the remaining available funds will be sufficient for program Year 4. In the event that funds should be insufficient to complete the expected payments to eligible producers during program Year 4, then the payment rates for that program year shall be prorated by a national factor so as to reduce the expected payments to be made to the amount available and payment shall be made at those rates until monies are expended. Payments made during a prorated program year shall be made first-come, first-served so long as there are monies available in the manner set for in these regulations. Payments for preceding years will not be affected.

(b) A national factor shall be determined, if necessary for slaughter lamb and feeder lamb payments based on the factoring of the remaining available funds at the conclusion of Year 3 divided by the average number of slaughter and feeder lambs that qualified for benefits during Year 2 and Year 3.

(c) Of the $67.7 million of total funds under this part, $26 million is specifically earmarked for the ewe lamb incentive payments, with a target of $13 million per year for Year 3 and Year 4. Those monies ($26 million) should be used only for the ewe incentive payments and no other funds shall be used for those payments. A national factor shall be determined, if necessary for ewe lamb payments based on the factoring of the remaining available funds at the conclusion of Year 3 divided by the number of ewe lambs that qualified for ewe lamb payments during Year 3.

(d) In the event that approval of all eligible applications would result in expenditures in excess of the amount available, FSA shall reduce the national factor in such manner as FSA, in its sole discretion, finds fair and reasonable.

§ 784.11 Appeals.

Any sheep and lamb operation which is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at parts 11 and 780 of this title or otherwise applicable.

§ 784.12 Misrepresentation and scheme or device.

(a) A person or operation shall be ineligible to receive assistance under this program if it is determined by FSA to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination.

(b) Any funds disbursed pursuant to this part to any person or operation engaged in a misrepresentation, scheme, or device, shall be refunded with interest together with such other sums as may become due. Any sheep and lamb operation or person engaged in acts prohibited by this section and any sheep and lamb operation or person receiving payment under this part shall be jointly and severally liable with other persons or operations involved in such claim for benefits for any refund due under this part and for related charges. The remedies provided in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 784.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible for assistance under this part must, also:

(1) Establish that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) Show a guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) Furnish a bond under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 784.14 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a person that is eligible to receive benefits in accordance with this part, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by FSA.

§ 784.15 Maintenance and inspection of records.

(a) Persons making application for benefits under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein. Such records and accounts must be retained for 3 years after the date of payment to the sheep and lamb operations under this program. Destruction of the records 3 years after the date of payment shall be the risk of the party undertaking the destruction.

(b) At all times during the regular business hours, authorized representatives of USDA shall have access to the premises of the sheep and lamb operation in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified in paragraph (a) of this section.

(c) Any funds disbursed pursuant to this part to any person or operation who does not comply with the provisions of paragraphs (a) or (b) of this section shall be refunded with interest.

§ 784.16 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application, or this part, and if any refund of a payment to FSA shall otherwise become due in connection with the application, or this part, then all such payments made under this part to any sheep and lamb operation or person shall be refunded to FSA together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this title.

(b) All persons signing an application for payment as having an interest in an operation or payment shall be jointly and severally liable for any refund, including related charges, which is determined to be due for any reason under the terms and conditions of the application or this part with respect to such operation or payment.

(c) Interest shall be applicable to refunds required of any person under this part if FSA determines that payments or other assistance was provided to a person who was not eligible for such assistance. Such interest shall be charged at the rate of interest which the United States Treasury charges the Commodity Credit Corporation for funds, from the date FSA made such benefits available to the

date of repayment or the date interest increases as determined in accordance with applicable regulations. FSA may waive the accrual of interest if FSA determines that the cause of the erroneous determination was not due to any action of the person.

(d) Interest determined in accordance with paragraph (c) of this section may be waived at the discretion of FSA alone for refunds resulting from those violations determined by FSA to have been beyond the control of the person committing the violation.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in 7 CFR part 792.

(f) Any excess payments made by FSA with respect to any application under this part must be refunded.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any person, the benefit must be repaid with any applicable interest.

§ 784.17 Offsets and withholdings.

FSA may offset or withhold any amounts due FSA under this subpart in accordance with the provisions of 7 CFR part 792, or successor regulations, as designated by the Department.

§ 784.18 Assignments.

Any person who may be entitled to a payment may assign his rights to such payment in accordance with 7 CFR part 1404 or successor regulations as designated by the Department.

Signed at Washington, DC, on March 20, 2002.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 02–7220 Filed 3–21–02; 3:52 pm]

BILLING CODE 3410–05–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AE42

Small Business Size Regulations; Size Standards for Programs of Other Agencies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is revising the procedural regulations that Federal agencies must follow to obtain approval of the SBA Administrator for establishing size standards for use in their programs. This revision will simplify SBA's regulations by requiring agencies to consult with SBA before proposing a size standard. It requires them to obtain the SBA Administrator's approval before publishing a final rule.

DATES: This rule is effective on April 25, 2002.

FOR FURTHER INFORMATION CONTACT: Carl Jordan, Office of Size Standards, at (202) 205–6618.

SUPPLEMENTARY INFORMATION:

Introduction

The Small Business Act (sec. 3(a) & (b), 15 U.S.C. 632) (the Act) provides for the establishment of small business size standards. The Act authorizes the Administrator of SBA to ''specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act *or any other Act*'' (emphasis added). The Act gives the SBA Administrator exclusive authority to establish small business size standards for all Federal agencies, in the absence of other specific statutory authority. Unless a statute specifies size standards for an agency's program or gives an agency direct authority to establish size standards, the agency must use the applicable size standards established by SBA. However, the Act allows an agency to ''prescribe a size standard for categorizing a business concern as a small business concern'' (sec. 3(a)(2)(C) of the Act) provided the contemplated size standard meets certain criteria *and* the agency obtains approval of the SBA Administrator.

Currently, SBA's Small Business Size Regulations in 13 CFR 121.902 describe procedures that agencies must follow before they prescribe size standards for their own use. These regulations require an agency, contemplating the use of size standards different from those established by SBA, to obtain the SBA Administrator's approval to do so before it proposes them for comment as part of its rulemaking process. If an agency believes that size standards different from those established by SBA are appropriate for its purposes, it must propose specific size standards, explain why it believes they are appropriate for their purposes and why SBA's size standards are not, and seek public comment on them. The proposed size standards must be specific and must meet the criteria set forth in the Act and SBA's regulations. Before an agency issues a final rule, it must notify SBA of the size standards it is adopting and provide SBA with copies of public comments received on the proposed size standards.

Reasons for the Change in the Regulation

Based on its experience in evaluating agencies' requests for special size standards, SBA proposed revisions to its Small Business Size Regulations by modifying what information agencies need to provide to SBA and when formal approval is required (65 FR 4176, dated January 26, 2000). SBA explained in the proposed rule that the purpose of the revision is to: (1) Streamline the rulemaking process; (2) eliminate a step in the approval process in cases where an agency contemplates adopting a size standard different from a proposed size standard approved by the SBA's Administrator; (3) give an agency SBA's advisory input before the agency issues its proposed size standard; and (4) allow SBA to consider in its decision-making process the requesting agency's proposed rule, its explanation and justification for the size standards it intends to adopt, copies of the public comments to the proposed size standards, and a draft copy of the agency's intended final rule.

Summary of New Procedures

This final rule adopts the proposed changes of January 26, 2000. The comments received on the proposed rule generally supported the proposed revisions (see discussion of comments below). The adopted procedures establish a consultation requirement with SBA's Office of Size Standards before publishing a proposed rule and require agencies to obtain the SBA Administrator's formal approval before adopting the size standards in a final rule.

Consultation with SBA's Office of Size Standards must be in writing and take place at least fourteen (14) calendar days before issuing the proposed rule. It must include what size standard the agency is proposing, to what program it will apply, how the agency arrived at the particular size standard, and why SBA's existing size standards do not satisfy the agency's program requirements. This consultation will allow SBA to review the proposed size standards and advise the agency as soon as practicable of issues that could prevent the SBA Administrator's approval, such as those in conflict with the Act or SBA Small Business Size Regulations. The agency will then have the opportunity to address those issues in either the proposed rule or final rule.

Prior to publishing a final rule, the agency must request and obtain the SBA's Administrator's approval to establish its own size standard. The agency must provide SBA with copies of

public comments on the proposed rule; a justification for the intended size standards; a copy of the intended final rule; and any additional information the SBA may request as part of its review.

These procedures are more practical for the agencies to follow than the current procedures in two ways. First, they only require the SBA Administrator's approval before the agency issues its final rule adopting the contemplated size standards, rather than before it proposes them. Agencies have found submitting formal requests during the formulation of the proposed rule difficult since size standard decisions are often made shortly before publication of the rule. Second, by consulting with SBA prior to publishing a proposed rule it makes SBA aware of an agency's proposal and gives it an opportunity to advise the agency if the contemplated size standards could not be approved. An agency will be able to consider SBA's comments before publishing a proposed rule, if possible, and well in advance of a final rule.

Summary and Discussion of Comments to the Proposed Rule

SBA received six comments to its proposal. Four Federal agencies commented on the rule, one association, and one office within SBA. All, but one commenter, were supportive of the proposed changes to the current procedures. The comments raised several noteworthy issues. These issues are discussed below, and they lead to minor wording changes to the final rule.

A comment from a United States Commission supported the proposed regulatory revision. The Commission stated that such a change would help conserve the resources of SBA as well as those of agencies that seek approval for special size standards under this regulation. SBA can then focus on the comments the agency receives to its proposed size standards, rather than on the agency's pre-comment estimates of their appropriateness for the stated purpose. The Commission further commented that the requirement for consultation at least 14 days prior to publishing the proposed size standards should cause no undue burden on agencies in complying with this regulation.

The Commission also commented that the requirement in the proposed § 121.903(a)(6), that the requesting agency certify its compliance with the Small Business Act, is unnecessary. We agree with the Commission's observation, and we have not included that requirement in the final rule. As part of SBA's review, it will ensure that an agency's size standard complies with the Small Business Act.

The Commission also suggested reversing the order of § 121.903(a)(5) and § 121.903(a)(6). These sections discuss the requirement to obtain the SBA Administrator's approval and what information an agency must submit. SBA recognizes that these sections are closely related and can be considered as one. Therefore, SBA has combined the requirements of the proposed § 121.903(a)(6) with § 121.903(a)(5).

A Federal agency opposed the proposed regulatory change for three reasons. First, it claimed that the change will not reduce the regulatory burden on agencies, and for some it may be more burdensome. The agency stated that the proposed revision requires more information than the existing regulation. We disagree. The new procedures essentially ask for the same information that we require under the existing regulation. The only difference is in the timing of the submission. In fact, based on past experience, we strongly believe that the existing regulation, if we do not revise it, is more burdensome on an agency than these revisions. The current regulation requires SBA to review the submitted information without the benefit of the public comments on the proposed size standard. The new procedures require only that the agency consult with SBA before it proposes the size standards, and provide SBA minimal information at that time. The agency does not have to obtain SBA approval to propose size standards. Documentation to support an agency's request for alternative size standards would be more comprehensive and logically related if the agency submits it to SBA after it has had the benefit of public comments on its proposal.

Second, the objecting agency requested that SBA clarify whether ''consultation'' associated with a Regulatory Flexibility Analysis in § 121.903(c) is an ''informal'' consultation or a formal consultation as described in the proposed § 121.903(a)(2). Section 121.903(c) refers only to the use of size standards for performing a Regulatory Flexibility Analysis (RFA). Under section 601(3) of the Regulatory Flexibility Act, an agency must use SBA's size standards for an RFA, or after consultation with the SBA's Office of Advocacy and after an opportunity for public comment, it may use different size standards. The procedures of § 121.903(a) do not apply to alternative size standards established for RFA purposes.

Third, the agency recommended that the final rule require SBA action within a reasonable time. The agency pointed out that the proposed rule contained no timeframe within which SBA must respond, and expressed concern that SBA could ''prevent indefinitely an agency from issuing a final rule.'' Another agency also raised this point and recommended a 21-day period for SBA to review a final rule. Under this final rule, an agency requests approval for alternate size standards only after it has gone through the proposal and comment stage at least once. SBA cannot anticipate how much time an agency will allow between the time it requests approval and when it intends to publish its final rule. Further, SBA cannot know the nature or the extent of the comments the agency will receive, or how long it may take for SBA and the agency to resolve any outstanding issues. With these unknowns, we cannot specify in a rule how long SBA will take to respond to the agency's request. Furthermore, not approving an agency's request within a stated time cannot bestow de facto approval by SBA, because the Act specifically requires the Administrator's approval before an agency can prescribe its own size standards. It goes without saying that SBA remains committed to giving priority to agency requests for approval for alternative size standards and will strive to complete its review within 30 days, if practicable, and will work with an agency to resolve issues that may prevent timely approval of size standards.

An office within SBA concurred in the proposed changes. The office noted that in the proposed § 121.903(a)(1)(ii) that SBA referred to ''gross'' receipts as the size standard measure for services concerns. The office expressed concern that this might confuse the meaning of 13 CFR 121.104, ''How Does SBA Calculate Receipts,'' which does not use the term ''gross,'' except ''in the case of a sole proprietorship'' (§ 121.121.104a(a)(1)). We agree, and have removed ''gross'' from the final version of § 121.903(a)(1)(ii).

Compliance With Executive Orders 12866, 12988, and 13132, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35.)

The Office of Management and Budget reviewed this rule as a ''significant'' regulatory action under Executive Order 12866.

For purposes of the Regulatory Flexibility Act, SBA has determined that this rule does not have a significant economic effect on a substantial number of small entities. SBA has made this determination for the following reasons: (1) The change is procedural, not

substantive, in nature; (2) the change applies to Federal agencies only; and (3) the change applies only when a Federal agency contemplates categorizing an entity as a small business concern for its programs using standards other than those established by SBA. SBA has also made this determination based on the nature, number and complexity of requests from Federal agencies that have made such requests. SBA believes that this amendment will not increase the nature, number or frequency of these requests.

For purposes of Executive Order 12988, SBA has determined that this rule is drafted, to the extent possible under standards in section 3 of the Order.

For purposes of Executive Order 13132, SBA has determined that this rule does not have any federalism implications warranting the preparation of a Federalism Assessment.

For purposes of the Paperwork Reduction Act, 44, U.S.C. Ch. 35, SBA has determined that this rule does not impose any new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs-business, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For reasons stated in the preamble, SBA is amending 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c), and 662(5); and sec. 304, Pub. L. 103–403, 108 Stat. 4175, 4188.

2. Section 121.902 is revised to read as follows:

§ 121.902 What size standards are applicable to programs of other agencies?

SBA size standards. The size standards for compliance with programs of other agencies are those for SBA programs which are most comparable to the programs of such other agencies, unless the agency and SBA agree otherwise.

3. Section 121.903 is revised to read as follows:

§ 121.903 How may an agency use size standards for its programs that are different than those established by SBA?

(a) Federal agencies or departments promulgating regulations relating to small businesses usually use SBA size criteria. In limited circumstances, if they decide the SBA size standard is not suitable for their programs, then agency heads may establish a more appropriate small business definition for the exclusive use in such programs, but only when:

(1) The size standard will determine:

(i) The size of a manufacturing concern by its average number of employees based on the preceding twelve calendar months, determined according to § 121.106;

(ii) The size of a services concern by its average annual receipts over a period of at least three years, determined according to § 121.104;

(iii) The size of other concerns on data over a period of at least three years; or,

(iv) Other factors approved by SBA;

(2) The agency has consulted in writing with SBA's Assistant Administrator for Size Standards at least fourteen (14) calendar days before publishing the proposed rule which is part of the rulemaking process. The written consultation will include:

(i) What size standard the agency contemplates using;

(ii) To what agency program it will apply;

(iii) How the agency arrived at this particular size standard for this program; and,

(iv) Why SBA's existing size standards do not satisfy the program requirements;

(3) The agency proposes the size standard for public comment pursuant to the Administrative Procedure Act, 5 U.S.C. 553;

(4) The agency provides a copy of the proposed rule, when it publishes it for public comment as part of the rulemaking process, to SBA's Assistant Administrator for Size Standards; and

(5) SBA's Administrator approves the size standard before the agency adopts a final rule or otherwise prescribes the size standard for its use. The agency's request for the SBA Administrator's approval must include:

(i) Copies of all comments on the proposed size standard received in response to the proposed rule;

(ii) A separate written justification for the intended size standard;

(iii) A copy of the intended final rule if available at that time, or a copy of the intended final rule and preamble prior to its publication; and

(iv) Other information SBA may request in connection with the request.

(b) When approving any size standard established pursuant to this section, SBA's Administrator will ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries, and consider other relevant factors.

(c) Where the agency head is developing a size standard for the sole purpose of performing a Regulatory Flexibility Analysis pursuant to section 601(3) of the Regulatory Flexibility Act, the department or agency may, after consultation with the SBA Office of Advocacy, establish a size standard different from SBA's which is more appropriate for such analysis.

4. Section 121.904 is added to read as follows:

§ 121.904 When does SBA determine the size status of a business concern?

For compliance with programs of other agencies, SBA will base its size determination on the size of the concern as of the date set forth in the request of the other agency.

Dated: October 16, 2001.

Hector V. Barreto,

Administrator.

[FR Doc. 02–7152 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 802

Premerger Notification; Reporting and Waiting Period Requirements; Correction

AGENCY: Federal Trade Commission.

ACTION: Final rule, correction.

SUMMARY: This document contains the correction to the premerger notification final rule which was published Monday, March 18, 2002, (67 FR 11898). This document corrects a paragraph reference that appears in an example to § 802.51.

EFFECTIVE DATE: April 17, 2002.

FOR FURTHER INFORMATION CONTACT: Marian R. Bruno, Assistant Director, Karen E. Berg, Attorney, or B. Michael Verne, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Telephone: (202) 326–3100.

SUPPLEMENTARY INFORMATION: The final rule, as published, contained an error in the paragraph referenced in the examples to section 802.51.

Accordingly, the final rule for 16 CFR part 802, published in the **Federal Register** on March 18, 2002, is corrected as follows:

§ 802.51 [Corrected]

On page 11904, in § 802.51, in example 3, in the third column, in the

second line ''(b)(3)'' is corrected to read ''(b)(2)''.

Donald S. Clark,

Secretary.

[FR Doc. 02–7171 Filed 3–25–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 20

[Docket No. 02N–0086]

Public Information; Cross Reference to Other Regulations; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to correct an inadvertent error that has been incorporated into the public information regulations. This action is being taken to ensure the accuracy and consistency of the regulations.

DATES: This rule is effective March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Doris Tucker, Office of Policy, Planning, and Legislation (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: FDA has discovered that an error has been incorporated into the agency's regulations for 21 CFR part 20. This document corrects that error. Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive.

List of Subjects in 21 CFR Part 20

Confidential business information, Courts, Freedom of information, Government employees.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 20 is amended as follows:

PART 20—PUBLIC INFORMATION

1. The authority citation for 21 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552; 18 U.S.C. 1905; 19 U.S.C. 2531–2582; 21 U.S.C. 321–393, 1401–1403; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1.

§ 20.100 [Amended]

2. Section 20.100 *Applicability; cross-reference to other regulations* is amended by removing paragraph (c)(30) and redesignating paragraphs (c)(31) through (c)(41) as paragraphs (c)(30) through (c)(40), respectively.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7180 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for G.D. Searle & Co.

DATES: This rule is effective March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209, e-mail: lluther@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: G.D. Searle & Co., P.O. Box 5110, Chicago, IL 60680, has informed FDA of a change of name and address to G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for ''G.D. Searle & Co.'' and in the table in paragraph (c)(2) by revising the entry for ''000014'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077	000014
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
000014	G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077
* * * * * * *	

Dated: February 22, 2002.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 02–7147 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 809a

RIN 0701–AA64

Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance

AGENCY: Department of the Air Force, DoD.

ACTION: Final Rule.

SUMMARY: The Department of the Air Force has revised its regulations in 32 CFR part 809a dealing with installation entry policy, barments, enforcing order within or near Air Force installations, and civil disturbance and disaster assistance, to reflect current policies. This rule implements guidance from Section 21 of the Internal Security Act of 1950; DoD Directive 5200.8, Security of DoD Installations and Resources; and Title 10 U.S.C., Sections 332 and 333. The revision adds expulsion and installation entry point check procedures.

EFFECTIVE DATE: March 27, 2002.

FOR FURTHER INFORMATION CONTACT: SMSgt Walter Filipiak, (210) 671–0898.

List of Subjects in 32 CFR Part 809a

Civil defense, Civil disorders, Disaster assistance, Federal buildings and facilities, Foreign relations, Law enforcement, Military personnel.

For the reasons set forth in the preamble, the Department of the Air Force is revising 32 CFR Part 809a to read as follows:

PART 809a—INSTALLATION ENTRY POLICY, CIVIL DISTURBANCE INTERVENTION AND DISASTER ASSISTANCE

Sec.

809a.0 Purpose.

Subpart A—Installation Entry Policy

809a.1 Random installation entry point checks.
809a.2 Military responsibility and authority.
809a.3 Unauthorized entry.
809a.4 Use of Government facilities.
809a.5 Barment procedures.

Subpart B—Civil Disturbance Intervention and Disaster Assistance

809a.6 Authority.
809a.7 Definitions.
809a.8 Installation policies and laws.
809a.9 Conditions for use of Air Force resources.
809a.10 Military commanders' responsibilities.
809a.11 Procedures outside the United States.

Authority: 10 U.S.C. 332 and 333.

§ 809a.0 Purpose.

This part prescribes the commanders' authority for enforcing order within or near Air Force installations under their jurisdiction and controlling entry to those installations. It provides guidance for use of military personnel in controlling civil disturbances and in supporting disaster relief operations. This part applies to installations in the United States, its territories and possessions, and will be used to the maximum extent possible in the overseas commands. Instructions issued by the appropriate overseas commander, status of forces agreements, and other international agreements provide more definitive guidance for the overseas commands. Nothing in this part should be construed as authorizing or requiring security forces units to collect and maintain information concerning persons or organizations having no affiliation with the Air Force other than a list of persons barred from the installation.

Subpart A—Installation Entry Policy

§ 809a.1 Random installation entry point checks.

The installation commander determines when, where, and how to implement random checks of vehicles or pedestrians. The commander conducts random checks to protect the security of the command or to protect government property.

§ 809a.2 Military responsibility and authority.

(a) Air Force installation commanders are responsible for protecting personnel and property under their jurisdiction and for maintaining order on installations, to ensure the uninterrupted and successful accomplishment of the Air Force mission.

(b) Each commander is authorized to grant or deny access to their installations, and to exclude or remove persons whose presence is unauthorized. In excluding or removing persons from the installation, the installation commander must not act in an arbitrary or capricious manner. Their action must be reasonable in relation to their responsibility to protect and to preserve order on the installation and to safeguard persons and property thereon. As far as practicable, they should prescribe by regulation the rules and conditions governing access to their installation.

§ 809a.3 Unauthorized entry.

Under Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797), any directive issued by the commander of a military installation or facility, which includes the parameters for authorized entry to or exit from a military installation, is legally enforceable against all persons whether or not those persons are subject to the Uniformed Code of Military Justice (UCMJ). Military personnel who reenter an installation after having been properly ordered not to do so may be apprehended. Civilian violators may be detained and either escorted off the installation or turned over to proper civilian authorities. Civilian violators may be prosecuted under 18 U.S.C. 1382.

§ 809a.4 Use of Government facilities.

Commanders are prohibited from authorizing demonstrations for partisan political purposes. Demonstrations on any Air Force installation for other than political purposes may only occur with the prior approval of the installation commander. Demonstrations that could result in interference with, or prevention of, the orderly accomplishment of the mission of an installation or that present a clear danger to loyalty, discipline or morale

of members of the Armed Forces will not be approved.

§ 809a.5 Barment procedures.

Under the authority of 50 U.S.C. 797, installation commanders may deny access to the installation through the use of a barment order. Barment orders should be in writing but may also be oral. Security forces maintain a list of personnel barred from the installation.

Subpart B—Civil Disturbance Intervention and Disaster Assistance

§ 809a.6 Authority.

The authority to intervene during civil disturbances and to provide disaster assistance is bound by directives issued by competent authorities. States must request federal military intervention or aid directly from the President of the United States by the state's legislature or executive. Installation commanders must immediately report these requests in accordance with AFI 10–802, *Military Support to Civil Authorities* (Available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.).

§ 809a.7 Definitions.

The following definitions apply to this part:

(a) *Emergencies.* These are conditions which affect public welfare and occur as a result of enemy attack, insurrection, civil disturbances, earthquake, fire, flood, or other public disasters which endanger life and property or disrupt the usual process of government. The term ''emergency'' includes any or all of the conditions explained in this section.

(b) *Civil defense emergency.* This is a disaster situation resulting from devastation created by an enemy attack and requiring emergency operations during and following attack. It may also be proclaimed by appropriate authority in anticipation of an attack.

(c) *Civil disturbances.* These are group acts of violence or disorder prejudicial to public law and order including those which follow a major disaster. They include riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders.

(d) *Major disaster.* Any flood, fire, hurricane, or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of the State and local governments in alleviating the damage, hardship, or suffering caused thereby.

§ 809a.8 Installation policies and laws.

This subpart contains policies on the use of Air Force military personnel in civil disturbances and disasters. The more important laws concerning military aid to civil authorities are also summarized.

(a) The Air Force gives military assistance to civil authorities in civil defense or civil disturbances and disasters only when such assistance is requested or directed. Commanders will not undertake such assistance without authority, unless the overruling demands of humanity compel immediate action to protect life and property and to restore order.

(b) The military service having available resources nearest the affected area is responsible for providing initial assistance to civil authorities in emergencies. Subsequent operations are to be according to the mutual agreement between the senior service commanders concerned.

(c) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State is the primary responsibility of State and local authorities. It is well-established U.S. Government policy that intervention with military forces takes place only after State and local authorities have used their own forces and are unable to control the situation, or when they do not take appropriate action.

§ 809a.9 Conditions for use of Air Force resources.

This part is not intended to extend Air Force responsibilities in emergencies to generate additional resources (manpower, materiel, facilities, etc.) requirements, or encourage participation in such operations at the expense of the Air Force primary mission. It is a guide for the employment of Air Force resources when:

(a) A disaster or disturbance occurs in areas in which the U.S. Air Force is the executive agent of the United States.

(b) A disaster or disturbance occurs in areas that are remote from an Army installation but near an Air Force installation, thereby necessitating Air Force assumption of responsibility pending arrival of Army personnel.

(c) The overriding demand of conditions resulting from a natural disaster compels immediate action to protect life and property and to restore order.

§ 809a.10 Military commanders' responsibilities.

(a) Civilians in the affected area will be informed of the rules of conduct and other restrictive measures to be enforced by the military. These will be announced by local proclamation or order, and will be given the widest publicity by all available media.

(b) Persons not normally subject to military law, who are taken into custody by military forces incident to civil disturbances, will be turned over to the civil authorities as soon as possible.

(c) Military forces will ordinarily exercise police powers previously inoperative in an affected area; restore and maintain order; maintain essential transportation and communication; and provide necessary relief measures.

(d) U.S. Air Force civilian employees may be used, in any assignments in which they are capable and willing to serve. In planning for on-base contingencies of fires, floods, hurricanes, and other natural disasters, arrangements should be made for the identification and voluntary use of individual employees to the extent that the needs for their services are anticipated.

§ 809a.11 Procedures outside the United States.

It is Air Force policy to make every reasonable effort to avoid any confrontation between United States military forces and host nation demonstrators or other dissidents posing a threat to Air Force resources. Intervention by United States military personnel outside the United States is governed by international law, bilateral and other international agreements to which the United States is a party, and host-nation laws. Local plans to counter such situations must include provisions to request and obtain host nation civil or military support as quickly as possible.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–6886 Filed 3–25–02; 8:45 am]

BILLING CODE 5000–04–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–02–009]

RIN 2115–AE46

Special Local Regulations for Marine Events; Chesapeake Bay Near Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations during the Volvo Ocean Race, Leg 7 Restart, a marine event to be held over the waters of Chesapeake Bay between Thomas Point and Sandy Point, near Annapolis, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Chesapeake Bay during the event.

DATES: This rule is effective from 10 a.m. to 2:30 p.m. EDT on April 28, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05–02–009 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dulani Woods, Volvo Ocean Race Chesapeake Project Officer, Commander, Coast Guard Activities Baltimore, telephone number (410) 576–2513.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The event will occur on Sunday, April 28, 2002, and numerous spectator craft are expected to gather near the event area. Because of the danger posed by many sailing vessels maneuvering in close proximity of each other at the beginning of a critical race restart, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel will remain unaffected during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers.

Background and Purpose

On April 28, 2002, Ocean Race Chesapeake, Inc. will sponsor the Leg 7 Restart of the 2001–2002 Volvo Round The World Race on the waters of Chesapeake Bay between Thomas Point and Sandy Point, near Annapolis, Maryland. The event will consist of eight 64-foot sailing vessels conducting a strictly organized restart to a highly publicized, international sailing race. Opposing teams will be maneuvering in a predetermined area on the Chesapeake Channel adjacent to the William P. Lane Jr. (Chesapeake Bay) Bridge Main Channel Span. A fleet of spectator vessels is anticipated. Due to the need for vessel control while a fair and accurate restart is conducted, vessel traffic will be temporarily restricted to provide for the safety of spectators, participants and transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Chesapeake Bay. The regulated area will include an area approximately 7.5 nautical miles long and 1.3 nautical miles wide. The temporary special local regulations will be enforced from 10 a.m. to 2:30 p.m. EDT on April 28, 2002, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. The William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel will remain unaffected during the event.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Although this regulation prevents traffic from transiting the Chesapeake Channel between Thomas Point and Sandy Point during the event, the effect of this regulation will not be significant due to the limited duration of the regulation, the availability of the William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers, so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of Chesapeake Bay during the event.

Although this regulation prevents traffic from transiting the Chesapeake Channel of the Chesapeake Bay during the event, the effect of this regulation will not be significant because of its limited duration, the availability of the William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers, so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State law or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial and direct effect on one or more Indian tribes, on the relationship between the Federal Governments and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(h) and (35)(a) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit for an event not located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government, are specifically excluded from further analysis and documentation under those sections. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add a temporary section, § 100.35T–05–009 to read as follows:

§ 100.35T–05–009 Chesapeake Bay, near Annapolis, MD.

(a) *Definitions:*

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant.* Includes all vessels participating in the Volvo Ocean Race Chesapeake under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

(4) *Regulated Area.* Includes the waters of the Chesapeake Bay, within an area approximately 7.5 nautical miles long and 1.3 nautical miles wide, bounded by a line drawn from a position at latitude 39°00′32″ N, longitude 076°23′03″ W, southwesterly to a position at 39°00′11″ N, longitude 076°21′50″ W, southeasterly to a position at 38°56′07″ N, longitude 076°24′11″ W, southerly to a position at 38°53′00″ N, longitude 076°24′13″ W, easterly to a position at 38°53′00″ N, longitude 076°25′58″ W, northerly to a position at 38°56′30″ N, longitude 076°25′29″ W, thence northeasterly to a position at 39°00′32″ N, longitude 076°23′03″ W. All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations:*

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(iii) Unless otherwise directed by the official patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Effective Dates:* This section is in effect from 10 a.m. to 2:30 p.m. EDT on April 28, 2002.

Dated: March 13, 2002.

L. Mizell,

Captain, Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 02–7232 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

Rules and Regulations

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 784

RIN 0560—AG17

Lamb Meat Adjustment Assistance Program

AGENCY: Farm Service Agency, USDA.
ACTION: Final rule.

SUMMARY: This rule finalizes an interim rule implementing the Farm Service Agency's (FSA) Lamb Meat Adjustment Assistance Program (LMAAP). The program is designed to help restore purchasing power and enable producers to make significant changes in production practices to adjust to import competition by providing financial assistance to sheep and lamb producers who have recently experienced low prices and poor market conditions. On the basis of comments and suggestions received, FSA is making several changes to the program provisions in the interim rule and is adding other provisions.

EFFECTIVE DATE: March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Danielle Cooke, (202) 720–1919 or e-mail *danielle_cooke@wdc.fsa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Farm Service Agency (FSA) is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any legal action may be brought regarding determinations of this rule, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3014, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act of 1995

A notice with request for comments on the information collection was part of the interim rule. No comments were received from the public during the 60-day comment period regarding the information collection. A regular submission of an information collection package was approved by OMB for use through the year 2003 and assigned OMB control number 0560–0205. The amendments to 7 CFR part 784, contained in this rule involve a change in existing information collection requirements that was previously approved by OMB. In accordance with the Paperwork Reduction Act of 1995, FSA has submitted an emergency information collection request to OMB for the approval of a revision to a currently approved collection as necessary for the proper functioning of the program. A regular information collection package will be submitted to OMB.

Discussion of Final Rule

The interim rule published in the **Federal Register** on June 21, 2000 (65 FR 38409), set forth regulations to allow direct payments to provide immediate financial assistance to sheep and lamb producers who have recently experienced low prices and poor market conditions. The background provisions of that rule described, in addition, the statutory underpinnings of the program, those being provisions of the Act of August 24, 1935, as amended. One of those provisions is clause (3) of section 32, which authorizes the Secretary of Agriculture to ''reestablish farmers purchasing power in connection with the normal production of any agricultural commodity for domestic consumption.'' Under the program, eligible producers of sheep and lambs may receive direct payments towards the production segment of the industry to share expenses for productivity improvement projects. In the second and third year, under the original rule direct payments to producers are based on quality incentives that will assist the industry's competitiveness in the marketplace. To enhance the competitiveness of the domestic lamb and sheep industry, the program is extended by this rule through July 2003 and the rule contemplates that an additional $37.7 million of Fiscal Year 2002 Section 32 funds will be available for the program. Of the $37.7 million in additional funds, $26 million will be allocated to the new ewe lamb incentive payment for Year 3 and Year 4, while the remaining funds will go towards continuing feeder lamb and slaughter lamb payments during Year 2, Year 3, and Year 4 of the program.

Comments regarding the provisions of the program were accepted until July 21, 2000. Comments were received from 48 entities or persons, which includes 28 sheep producers and ranchers, 13 agricultural associations, two farm bureaus, two United States Congressmen, one agricultural university, and two Agency employees.

Most of the comments addressed particular provisions of the interim rule. These are discussed below on a section-

by-section basis, along with the changes that have been made to the interim rule. Changes to each section based on the experience of operating the program under the interim rule are also discussed on a section-by-section basis.

General

Five respondents commented that the program does not benefit the industry and excludes the small farmer. Prior to publishing the interim rule, USDA provided several opportunities for public participation in the rulemaking process through highly publicized meetings. Comments and program proposals were solicited after the President's announcement of the assistance package to assess their needs and obtain regulatory guidance. We believe the interests of small producers have been duly addressed and considered, as all elements of the industry will be able to share in the elements of this program without an increase in payment rates.

Section 784.1 Applicability; Available Payments

Most of the comments concerned the lack of an incentive or a payment to encourage the purchase or retention of ewe lambs for breeding stock to replenish the lambing inventory. By this rule, FSA, in conjunction with AMS, will add a ewe lamb incentive payment to the program. This will provide incentives for producers to purchase or retain their breeding ewes, expand herds, and increase the available supply of domestic lamb meat. Payments for the new ewe lamb incentive payment program cover purchases back to August 1, 2001, and then continue for two payment years through July 31, 2003. An additional $26 million is authorized for the ewe lamb incentive payment with a target of $13 million per year.

Also in this section, slaughter and feeder lamb payments have been extended one year through July 31, 2003. This will enable domestic lamb and sheep producers to compete more effectively in the marketplace. A total of $10 million has been authorized to make payments available for marketings of eligible feeder and slaughter lambs during Year 4. In addition, $1.7 million has been allocated to cover the anticipated short fall of funds for marketings of eligible feeder and slaughter lambs during Year 3.

Section 784.3 Definitions

Three respondents believed the ''feeder lamb definition'' provided for in section 784.3 should be changed to allow for lambs fed using a high protein diet or other appropriate diet. That comment was accepted, as the original definition may be too narrow.

As there is a one year extension of the LMAAP, a definition for Year 4 was added. A definition for ''ewe lamb'' was also added to reflect the expansion of the program.

Section 784.4 Year 1 Time and Method for Application

Some of the commenters believed that the time periods between the program announcement and the program deadlines were too short, and that the eligibility period should be retroactive from the 1999 marketing season. FSA, however, established the dates of the program to coincide with the dates in the President's announcement of the $100 million assistance plan to help U.S. sheep and lamb farmers. Therefore, the comment was not adopted and no such changes were made in this final rule.

Section 784.5 Year 1 Eligibility

There were several public comments received regarding Year 1 payments. Specifically, seven respondents felt the use of a gross annual revenue level was too restrictive and precluded many from qualifying for a payment during Year 1 or a feeder lamb payment during Year 2. FSA, however, established the use of a gross annual revenue of $2.5 million or less to help ensure that the Federal financial benefits of this rule are distributed to farmers of more modest financial means. Therefore, the comments are not adopted into this final rule.

Although no comments on this issue were received, while operating under the interim rule, FSA decided to establish a deadline date for producers to complete facility improvements. This provision was added to ensure producer timely compliance with eligibility requirements provided in § 784.5(b)(3). Sheep and lamb operations that do not complete the facility improvements by the deadline date will be determined ineligible for benefits and must immediately refund the payment made and with interest.

Three comments were received from the public who felt that farm raised rams for breeding up to yearling age should be eligible to generate a payment. Other suggestions included that to be eligible to generate a ram payment, the ram should show evidence of various traits of above average genetic potential; another suggested that a provision be added for payments for ram semen and embryo purchases. No change was made as the current incentives appear sufficient to accomplish the program purposes and more directly aimed at the desired result. For the time period covered, the genetic potential of a ram, ewe or lamb was evaluated and payment made through enrolling in the National Sheep Improvement Program (NSIP), or a similar FSA approved program, that evaluates animals in a flock for maternal, growth, and wool traits. We think these guidelines were sufficient, and at this point the ram portion of the program is over.

Two comments received opposed the sheep improvement program payment by stating this payment does not address the entire industry and should be eliminated. Another comment suggested that Government funds should not be used to solicit membership in voluntary programs such as the NSIP. Comments also suggested that the sheep improvement program payment should include payments with respect to a scrapie program.

The NSIP was approved by USDA because of its recognition in the industry, but the rule allowed for other programs to be approved as well. Scrapie programs were not included in the sheep improvement program because funds under the alternative Domestic Lamb Industry Adjustment Assistance Program were specifically appropriated for animal health issues that included scrapie eradication. Further, scrapie eradication programs are not genetically based and would, therefore not qualify as a genetic evaluation program.

Five of the received comments directed concern toward the ineligibility of facility improvements begun and not completed by the end of the sign-up period. One respondent believed that the facility improvement eligibility requirements were too broad, and more specific guidelines were needed. One respondent was concerned that the facility improvement payment was not designed to make a difference because it was geared more towards small producers and not the entire industry. In response to these concerns, policy and procedure was established in this final rule to provide specific guidelines for facility improvements and a deadline date was established to have facility improvements completed beyond the deadline established for producers to apply for program payments.

Section 784.6 Year 1 Rate of Payment and Limitations on Funding

Three comments were received from the public who believed that the maximum ram payment rate for Year 1 payments should be increased. The payment limitations in Year 1 were

imposed to assure fair distribution of available funds for all eligible producers with the total available funding and we believe were set at appropriate levels to cover the program goals. No changes were made.

Section 784.8 Year 2 and Year 3 Time and Method for Application

The majority of the comments received were regarding Year 2 and Year 3 eligibility requirements. Four comments indicated that Year 2 and Year 3 payments should be based on actual sales receipts from the market place because the eligibility requirements for payments with respect to slaughter and feeder lambs and the paperwork involved were too complicated and cumbersome. In response to this concern, FSA has revised operating procedure to allow producers to self-certify feeder lambs by fax by faxing the last page of the LMAAP application form to AMS at least two working days prior to a designated 24-hour viewing period. Then USDA agents, based on their availability, would randomly select sheep and lamb operations to verify the claims. Following that, the producer to receive payment would submit to their FSA county office the completed Form FSA–383 and supporting documentation, as proof of the faxed information.

Also, in the final rule, the provision in § 784.5 allowing a payment to a sheep and lamb operation that owned a feeder lamb continuously for 30 days prior to marketing has been changed to require the operation to own the feeder lamb continuously from birth to the time of marketing. The interim rule led to attempted abuse by a few producers who falsified lamb sales records to circumvent the regulation in order to receive multiple payments.

Several comments received with respect to the slaughter lamb carcass requirements in this section suggested that the 55 to 75 pound dressed hot carcass weight requirement be increased to 80 pounds. Other comments suggested that the 55 to 75 pound dressed hot carcass weight should be eliminated, to accommodate northeastern producers. These producers typically do not qualify for a feeder or slaughter lamb payment because they sell to restaurant and ethnic markets where lamb carcasses average 20 to 45 pounds dressed hot carcass weights. Respondents felt that fine wool sheep would not meet the muscling criteria because the fine wool breeds of the northeastern region are slower to develop muscling. Two comments were received that suggested a gradual phase in of program standards that would allow breeding programs to adjust to a policy that favors breeds suited to meat production rather than wool production. There were also three comments that suggested Yield grade 3 slaughter lamb carcasses be eligible for payment.

USDA uses the standard of a hot carcass weight of 55 to 75 pounds to provide lamb consumers with a more appealing product. This standard also serves to improve profitability by increasing the efficiency of the lamb production cycle and to encourage the production of more consistently palatable and higher yielding lamb products. Lamb processors want larger carcasses because there is less labor involved for the amount of meat that is realized. Additionally, the weight range and yield grade were not changed in the final rule because the industry wants a more uniform carcass that yields a consistent product in size, weight, and appearance. Finally, the concept of plate coverage was considered in making this determination. The food service industry prefers fewer ribs with larger portions when preparing meals from middle meats. Therefore, these comments are not adopted in this final rule.

Seven comments received from the public expressed concerns about AMS certification, particularly whether AMS has the resources to certify to the feeder and slaughter lambs for the qualifying factors. Eleven comments were received suggesting that AMS simplify the certification procedures by allowing USDA inspectors and small USDA processing plants to certify the carcass criteria. Other suggestions included allowing a waiver of slaughter lamb carcass requirements to producers that marketed less than 500 lambs per year and allowing the use of a Statewide average grade score as a proxy for individual slaughter lamb carcass data. Five respondents believed that a provision should be established to allow producers who sell lambs on a live weight basis to be eligible for payments in Year 2 and Year 3. Some comments suggested that the slaughter lamb payments be based on 100 pounds per lamb with a 145 pound cap. The producer would have to produce receipts for the pounds of lambs sold to the packer and receipts for the pounds of lambs purchased from the sheep producer, and the payment would be based on the difference. To address these situations, the Agency will allow slaughter facilities that process less than 50 market lambs per week to certify the slaughter lamb carcass requirements, provided they are approved by AMS and meet the established guidelines. Otherwise, the rules appear to be appropriate and efficient with respect to the accomplishment of the goals of the program and administrative necessities.

Three respondents felt that slaughter lambs placed on a truck along with those of several other producers for transport to a slaughter facility would be a major problem and that payments should not be based on a producer's pro rata share. In response to this concern, the LMAAP application form has been revised to assist the sellers of slaughter lambs to identify and trace their lambs placed on a commingled truck load and sold to a slaughter facility. Otherwise the slaughter facility could not identify the number of lambs from a particular producer. This form must accompany lambs to the slaughter facility and be presented to the USDA grader for certification and payment. However, these payments will still be based on a pro-rata share.

Section 784.10 Availability of Funds for Year 1 through Year 3

There were no comments on this section, however, an additional $1.7 million has been authorized to cover an anticipated shortfall in the $10 million allocated to FSA for the feeder and slaughter lamb direct payment in Year 3. Payments for eligible slaughter and feeder lambs will continue through July 31, 2003, to further provide those eligible for the payments with an immediate infusion of funds to help pay operating expenses and meet other financial obligations. An additional $10 million will be provided to extend the direct payments for eligible feeder and slaughter lambs into 2003. In addition, $26 million is authorized for the new ewe lamb incentive payment during Year 3 and Year 4. These changes will increase the total available funds for the program in the final rule from $30 million to $67.7 million and establish a program for Year 4.

Section 784.13 Estates, Trusts, and Minors

One public comment was received from a surety association regarding the participation of minors in the program and the enforceability of a surety contract with a minor. However, provisions exist that allow a minor who meets the LMAAP program eligibility requirements to participate in the program, provided the applicable program documents are signed by the minor and co-signed by a person determined by the FSA County Committee to be financially responsible.

Section 784.17 was added to provide offset and withholding provisions and

§ 784.18 was added for assignment of payments. Also, minor changes are made throughout this part to improve structure, clarity, and readability. Also, internal agency administrative procedures are removed.

Finally, changes were made in the proration language of the rule to cover possible over-subscription. The rule contemplates that Year 4 payments will be prorated in advance to comply with expected demand and then paid first-come, first-served, until exhausted. Also the rule specifies that monies committed to ewe incentives may be used only for those purposes and that no other program money will be used for those purposes.

The Department of Agriculture plans to evaluate this program's effectiveness through a review of the impact of several key components. The performance measures will include an annual review of the change in the following: (1) U.S. flock size; (2) quality and yield of slaughter lambs; (3) number of feeder lambs qualifying for payments; and (4) number and quality of ewes retained. These evaluations will continue for the duration of the program.

List of Subjects in 7 CFR Part 784

Administrative practice and procedure, Direct payments to sheep and lamb operations, Reporting and record keeping requirements.

Accordingly, for the reasons set forth in the preamble, 7 CFR part 784 is revised to read as follows:

PART 784—LAMB MEAT ADJUSTMENT ASSISTANCE PROGRAM

Sec.

784.1 Applicability; available payments.
784.2 Administration.
784.3 Definitions.
784.4 Year 1 time and method for application.
784.5 Year 1 eligibility.
784.6 Year 1 rate of payment and limitations on funding.
784.7 Year 2, Year 3, and Year 4 time and method for application.
784.8 Year 2, Year 3, and Year 4 eligibility.
784.9 Year 2, Year 3, and Year 4 rate of payment and limitations on funding.
784.10 Availability of funds for Year 1 through Year 4.
784.11 Appeals.
784.12 Misrepresentation and scheme or device.
784.13 Estates, trusts, and minors.
784.14 Death, incompetency, or disappearance.
784.15 Maintenance and inspection of records.
784.16 Refunds; joint and several liability.
784.17 Offsets and withholdings.
784.18 Assignments.

Authority: Clause (3) of section 32 of the Act of August 24, 1935, as amended; 7 U.S.C. 612c.

§ 784.1 Applicability; available payments.

(a) This part establishes the Lamb Meat Adjustment Assistance Program pursuant to Clause (3) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c). The purpose of this program is to provide benefits to sheep and lamb operations to reestablish their purchasing power in connection with the normal production of sheep and lambs for domestic consumption and boost the long-term development and growth of sheep and lamb production in the United States.

(b) Under and subject to this part, FSA will provide with respect to sheep and lamb operations: Year 1 payments in which sheep and lamb operations will receive payments for, during the time period encompassing Year 1 as defined in § 784.3, purchasing eligible rams for breeding, enrolling their herd in a sheep improvement program, and for making improvements to their production facilities; Year 2, Year 3, and Year 4 payments for marketings of eligible slaughter lambs or feeder lambs during the period encompassing those time periods; and Year 3 and Year 4 payments for retaining or purchasing ewe lambs for breeding stock to replenish the lamb inventory during the period encompassing those time periods. Unless otherwise determined by the agency in accordance with the provisions of this part, the amount that may be expended under this part shall not exceed $67.7 million. Claims that exceed that amount will be prorated in accordance with the provisions for proration that are contained in this part.

(c) To be eligible for any payments under this part, the sheep and lamb operation must be engaged in the business of producing and marketing agricultural products at the time of filing the application.

§ 784.2 Administration.

This part shall be administered by the Farm Service Agency (FSA) under the general direction and supervision of the Administrator, FSA, or his designee and the employees of the Agency.

§ 784.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Lamb Meat Adjustment Assistance Program established by this part.

Agricultural Marketing Service or AMS means the Agricultural Marketing Service of the Department.

Application means the Lamb Meat Adjustment Assistance Program Application, Forms FSA–382 and FSA–383.

Average Choice Confirmation means a muscling score of that designation assigned in accordance with official USDA standards and procedures.

Department means the United States Department of Agriculture.

Eligible lambs means feeder lambs and slaughter lambs during Year 2 through Year 4 and also ewe lambs during Year 3 through Year 4.

Ewe lamb means a female lamb no more than 18 months of age that has not produced an offspring.

Farm Service Agency or FSA means the Farm Service Agency of the Department.

Feeder lamb means a ewe or wether of less than one year of age that when sold is intended to be further fed a high protein diet or other appropriate diet to reach an acceptable slaughter market weight.

Foot rot means an infectious, contagious disease of sheep that causes severe lameness and economic loss from decreased flock production.

Lambing cycle means the period of time from birth to weaning.

Parrot mouth means a genetic defect resulting in the failure of the incisor teeth to meet the dental pad correctly.

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien or aliens in the United States.

Secretary means the Secretary of the United States Department of Agriculture or any other officer or employee of the Department who has been delegated the authority to act in the Secretary's stead with respect to the program established in this part.

Sheep and lamb operation means any self-contained, separate enterprise operated as an independent unit exclusively within the United States in which a person or group of persons raise sheep and/or lambs.

Sheep improvement program means the ''National Sheep Improvement Program'' operated by the American Sheep Industry Association or other similar program for herd improvement approved by the FSA with respect to payments under this part.

Slaughter lamb means a lamb that is sold for immediate slaughter.

United States means the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

USDA Choice, USDA Prime, USDA Yield Grade 2 mean, respectively, the classifications for lamb carcasses so

designated under the Official United States Standards for Grades of Lamb, Yearling, Mutton, and Mutton Carcasses promulgated by the Secretary of Agriculture under the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621–1627) and related authorities.

Year 1 means the period of time beginning July 22, 1999, and ending September 30, 2000.

Year 2 means the period of time beginning August 1, 2000, and ending July 31, 2001.

Year 3 means the period of time beginning August 1, 2001, and ending July 31, 2002.

Year 4 means the period of time beginning August 1, 2002, and ending July 31, 2003.

§ 784.4 Year 1 time and method for application.

(a) A request for Year 1 benefits under this part must be submitted on a Lamb Meat Adjustment Assistance Program Payment Application. The form may be obtained from and must be submitted to the FSA county office serving the county where the sheep and lamb operation is located. The completed form must be received by the FSA county office by the close of business on October 13, 2000. Applications not received by the close of business on October 13, 2000, will be returned as not having been timely filed and the sheep and lamb operation filing the application will not be eligible for benefits under this program.

(b) The sheep and lamb operation requesting Year 1 benefits under this part must certify to the accuracy of the information provided in their application for benefits. All information provided is subject to verification by FSA. Refusal to allow FSA or any other agency of the Department of Agriculture to verify any information provided will result in a determination of ineligibility. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it, program benefits will not be approved. Providing a false certification may result in additional civil and criminal sanctions.

(c) Not withstanding any other provisions of this section, payments will not be made under this section for the acquisition of rams to the extent that any such purchase, at any time during Year 1, created, or help create, a ratio of rams to ewes for the operation that was less than 1 ram to 15 ewes. However, the limitation on payments provided for in the preceding sentence shall not apply to the extent that the operation establishes to the satisfaction of the FSA County Office Committee that a lower ratio of rams to ewes is customary for the operation for breeding purposes.

§ 784.5 Year 1 eligibility.

(a) To be eligible to receive the Year 1 payments under this part, as described in § 784.1, at the rates provided in § 784.6, a sheep and lamb operation must:

(1) Be engaged in the business of producing and marketing agricultural products at the time of filing the application;

(2) Have in 1999 gross annual revenue of $2.5 million or less; and

(3) During Year 1,

(i) Purchased rams for breeding purposes within that operation, provided that such rams must have been at least 90 days of age when purchased and must have been, or will be, maintained by the operation for at least 90 days continuously after the date of purchase; or

(ii) Enrolled sheep in an eligible sheep improvement program; or

(iii) Made sheep and lamb operation facility improvements with respect to their operation.

(b) To be eligible for payments for facility improvements made under paragraph (a)(3)(iii) of this section, the sheep and lamb operation must do the following:

(1) Submit supporting documentation of the cost of the improvements made to the facility during program Year 1. Supporting documentation must be dated during Year 1. Materials purchased prior to Year 1 are ineligible.

(2) Use facility improvements for sheep and lamb production activities continuously for at least the next three consecutive years, and

(3) Must complete the facility improvement by a date determined by the Administrator of FSA, or his designee. The Deputy Administrator for Farm Programs, FSA may authorize State and county committees to waive or modify the facility improvement completion date in cases where timeliness or failure to meet such other requirements does not adversely affect the operation of the program.

(c) Upon a failure to maintain the facility for the full three years or complete the facility improvement by the established deadline, the operation must refund the Year 1 facility payment immediately plus interest at the rate of interest determined by the Agency, from the date FSA made such benefits available to the date of repayment.

(d) With respect to payments made for activities addressed in paragraph (a)(3)(i) of this section, upon any failure to maintain a ram for the full required 90-day period after payment, unless the 90-day period referred to in paragraph (a)(3)(i) of this section has already expired, the operation must immediately refund the payment plus interest at a rate determined by the Agency.

§ 784.6 Year 1 rate of payment and limitations on funding.

Subject to the availability of funds and to the proration rules of § 784.10, Year 1 payments for qualifying operations shall be at the following rates:

(a) Up to $100 for each eligible ram purchased, with a maximum of $2,500 per sheep and lamb operation;

(b) $.50 for each qualifying sheep enrolled in a qualifying sheep improvement program, up to $500 per sheep and lamb operation; plus

(c) 20% of the cost of the qualifying facility improvements up to $2,500 per sheep and lamb operation.

§ 784.7 Year 2, Year 3, and Year 4 time and method for application.

(a) A request for Year 2, Year 3, and Year 4 benefits under this part must be submitted on a completed Lamb Meat Adjustment Assistance Program Payment Application. The application must be submitted to the FSA county office serving the county where the sheep and lamb operation is located but, in any case, must be received by the FSA county office by the close of business on August 15, 2001, if applying for Year 2 benefits, by the close of business on August 15, 2002, if applying for Year 3 benefits, and by the close of business August 15, 2003, if applying for Year 4 benefits. The certification section of the application must be completed prior to submission. Applications not received by the respective deadlines will be rejected and returned.

(b) The sheep and lamb operation requesting benefits under this part must certify to the accuracy of the information provided in their application for benefits. All information provided is subject to verification by FSA. Refusal to allow any agency of the Department of Agriculture to verify any information provided will result in rejection of the application or an obligation to return payments. Data furnished by the applicant will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, without it program benefits will not be approved. Providing a false certification to the Government is punishable by imprisonment, fines and other penalties.

§ 784.8 Year 2, Year 3, Year 4 eligibility.

(a) Subject to the availability of funds, Year 2, Year 3, and Year 4 payments will, as described to in § 784.1, be made for eligible marketings of slaughter lambs. Payments for slaughter lambs can be received by an operation at the rates described in § 784.9 for those eligible lambs slaughtered in Year 2, Year 3, and Year 4 if the lambs were owned continuously for 30 days prior to the marketing for slaughter and if the carcass produced meets the criteria set out in paragraph (b) of this section. Other criteria, as set out in this part, may also apply as a condition for, or limitation on, payment. See paragraphs (d) and (g) of this section for feeder lamb and purchased or retained ewe lamb payment eligibility.

(b) In order for a marketing of a slaughter lamb to qualify for payment under paragraph (a) of this section, the carcass produced by the slaughter must meet and be certified by an AMS agent to meet the following criteria:

(1) Meet the requirements of USDA Quality Grade Choice or Prime for lamb carcasses;

(2) Meet the requirements of USDA Yield Grade 2;

(3) Have a muscling confirmation score of ''Average Choice'' or better; and

(4) Have a 55–75 pound dressed hot carcass weight.

(c) Slaughter facilities that process less than 50 market lambs per week on a yearly basis can request approval from AMS to certify the slaughter lamb carcass requirements according to paragraph (b) of this section. To obtain approval from AMS, the slaughter facility must submit a written request for AMS approval to the address provided by FSA.

(d) Eligible slaughter lambs commingled on a pooled load for transport to a slaughter facility must complete the applicable information on the LMAAP application form. Producers with lambs on these pooled loads can receive a pro-rata portion of payment for eligible slaughter lambs that meet the criteria for payment according to paragraph (b) of this section. The LMAAP application must accompany lambs to the slaughter facility and be presented to the USDA grader for certification. The seller must comply with all other FSA guidelines to be eligible for such benefits for this program.

(e) Subject to the availability of funds, sheep and lamb operations may be eligible for the Year 2, Year 3, and Year 4 feeder lamb payments, as specified in § 784.9, if:

(1) The operation had gross sales of no more than $2.5 million in the year preceding the year for which payment is requested; and

(2) The feeder lambs sold were owned by the operation from birth to the time of marketing and, when marketed, were certified by AMS, as thick-muscled and large-framed.

(f) An eligible sheep and lamb operation can self-certify to the eligibility criteria described in paragraph (e) of this section, if they do the following:

(1) Certify to the number of feeder lambs that meet the criteria in paragraph (e)(2);

(2) Maintain identification with the farm or ranch of origin of the feeder lambs for a 24-hour viewing period to allow AMS agents or their assigned representatives an opportunity to verify qualifying feeder lambs;

(3) Complete and fax page 4 of the LMAAP application to a number provided by FSA or AMS at least 2 workdays prior to a 24-hour period when lambs can be viewed for verification, providing on the form the location and contact person for USDA verification purposes;

(4) Submit an LMAAP Application for payment;

(5) Submit supporting documentation to the local county office to prove that page 4 of the LMAAP application was completed and faxed according to paragraph (f)(3) of this section.

(g) Sheep and lamb operations that elect not to self-certify according to paragraph (f) of this section, can self-certify to the eligibility criteria described in paragraph (e) of this section when lambs lose ownership identification by doing the following:

(1) Provide unique identification for all marketed lambs by:

(i) Requesting program ear tags in writing from USDA (the address is available at any local FSA office); or

(ii) Uniquely identifying or tagging each qualifying self-certified feeder lamb that meets the eligibility requirements clearly described in paragraph (e)(2) of this section before transferring ownership. Alternative methods of identification may be used such as other unique ear tags or paint brands;

(2) Complete and fax page 4 of the LMAAP application to a number provided by FSA including the location of the lambs for 30 days after FAX notification and the type of animal identification;

(3) Submit LMAAP Application to the local county office for payment; and

(4) Submit supporting documentation to the local county office to prove that page 4 of the LMAAP application was completed and faxed according to paragraph (g)(2).

(5) Applicable FSA program forms, office addresses, and fax number information is available on the internet at *www.sc.egov.usda.gov.*

(h) In order for an eligible sheep and lamb operation to receive a ewe lamb incentive payment, the producer must certify that the ewe lamb, at the time of certification is:

(1) Not older than 18 months of age;

(2) Has not produced an offspring;

(3) Does not possess the following characteristics:

(i) Parrot mouth; or

(ii) foot rot.

(i) In addition, to qualify for ewe lamb incentive payment, the sheep and lamb operation must:

(1) Certify that it will maintain the qualifying ewe lambs in the herd for at least one complete offspring lambing cycle and actually maintain the lambs for that period in accord with that certification.

(2) Upon request by an AMS agent, agree to allow the AMS agent to verify that the ewe lambs meet qualifying characteristics. These qualifying characteristics inter alia, must be certified by an AMS agent as equal or superior to those required for lamb incentive payments, as described in paragraphs (b) and (e) of this section.

(3) Maintain documentation of any death loss of qualifying ewe lambs.

(4) Agree to refund any payments made with respect to any ewe lamb which has died before completing the full program requirements where said deaths for the operation exceed 10 percent per program year.

(5) Be in compliance with all requirements relating to Scrapie, as described in 9 CFR part 79; and

(j) To be eligible for any payments addressed under this section, sheep and lamb operation must be engaged in the business of producing and marketing agricultural products at the time of filing the application.

(k) In addition, to be eligible for Year 2, Year 3, and Year 4 payments, a sheep and lamb operation must submit a timely application during the application period for Year 2, Year 3, and Year 4 benefits and comply with all other terms and conditions of this part or which are contained in the application to be eligible for such benefits.

§ 784.9 Year 2, Year 3, and Year 4 rate of payment and limitations on funding.

Subject to the availability of funds, and the proration rules set out in § 784.10, Year 2, Year 3, and Year 4 payments may be made to sheep and lamb operations at the following rates:

(a) $3 for each qualifying feeder lamb; plus

(b) $5 for each qualifying slaughter lamb marketed in any covered month except for June or July of the applicable program year, and

(c) $8 for each qualifying slaughter lamb marketed in June or July of the applicable program year.

(d) $18 for each qualifying ewe lamb retained or purchased for breeding purposes for Year 3 and Year 4 only.

§ 784.10 Availability of funds for Year 1 through Year 4.

(a) Total payments under this part, unless otherwise determined by the FSA, cannot exceed $67.7 million. At the close of Year 3, FSA will determine if the remaining available funds will be sufficient for program Year 4. In the event that funds should be insufficient to complete the expected payments to eligible producers during program Year 4, then the payment rates for that program year shall be prorated by a national factor so as to reduce the expected payments to be made to the amount available and payment shall be made at those rates until monies are expended. Payments made during a prorated program year shall be made first-come, first-served so long as there are monies available in the manner set for in these regulations. Payments for preceding years will not be affected.

(b) A national factor shall be determined, if necessary for slaughter lamb and feeder lamb payments based on the factoring of the remaining available funds at the conclusion of Year 3 divided by the average number of slaughter and feeder lambs that qualified for benefits during Year 2 and Year 3.

(c) Of the $67.7 million of total funds under this part, $26 million is specifically earmarked for the ewe lamb incentive payments, with a target of $13 million per year for Year 3 and Year 4. Those monies ($26 million) should be used only for the ewe incentive payments and no other funds shall be used for those payments. A national factor shall be determined, if necessary for ewe lamb payments based on the factoring of the remaining available funds at the conclusion of Year 3 divided by the number of ewe lambs that qualified for ewe lamb payments during Year 3.

(d) In the event that approval of all eligible applications would result in expenditures in excess of the amount available, FSA shall reduce the national factor in such manner as FSA, in its sole discretion, finds fair and reasonable.

§ 784.11 Appeals.

Any sheep and lamb operation which is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at parts 11 and 780 of this title or otherwise applicable.

§ 784.12 Misrepresentation and scheme or device.

(a) A person or operation shall be ineligible to receive assistance under this program if it is determined by FSA to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination.

(b) Any funds disbursed pursuant to this part to any person or operation engaged in a misrepresentation, scheme, or device, shall be refunded with interest together with such other sums as may become due. Any sheep and lamb operation or person engaged in acts prohibited by this section and any sheep and lamb operation or person receiving payment under this part shall be jointly and severally liable with other persons or operations involved in such claim for benefits for any refund due under this part and for related charges. The remedies provided in this part shall be in addition to other civil, criminal, or administrative remedies which may apply.

§ 784.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is otherwise eligible for assistance under this part must, also:

(1) Establish that the right of majority has been conferred on the minor by court proceedings or by statute;

(2) Show a guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) Furnish a bond under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 784.14 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance or dissolution of a person that is eligible to receive benefits in accordance with this part, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by FSA.

§ 784.15 Maintenance and inspection of records.

(a) Persons making application for benefits under this program must maintain accurate records and accounts that will document that they meet all eligibility requirements specified herein. Such records and accounts must be retained for 3 years after the date of payment to the sheep and lamb operations under this program. Destruction of the records 3 years after the date of payment shall be the risk of the party undertaking the destruction.

(b) At all times during the regular business hours, authorized representatives of USDA shall have access to the premises of the sheep and lamb operation in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified in paragraph (a) of this section.

(c) Any funds disbursed pursuant to this part to any person or operation who does not comply with the provisions of paragraphs (a) or (b) of this section shall be refunded with interest.

§ 784.16 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application, or this part, and if any refund of a payment to FSA shall otherwise become due in connection with the application, or this part, then all such payments made under this part to any sheep and lamb operation or person shall be refunded to FSA together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided in part 1403 of this title.

(b) All persons signing an application for payment as having an interest in an operation or payment shall be jointly and severally liable for any refund, including related charges, which is determined to be due for any reason under the terms and conditions of the application or this part with respect to such operation or payment.

(c) Interest shall be applicable to refunds required of any person under this part if FSA determines that payments or other assistance was provided to a person who was not eligible for such assistance. Such interest shall be charged at the rate of interest which the United States Treasury charges the Commodity Credit Corporation for funds, from the date FSA made such benefits available to the

date of repayment or the date interest increases as determined in accordance with applicable regulations. FSA may waive the accrual of interest if FSA determines that the cause of the erroneous determination was not due to any action of the person.

(d) Interest determined in accordance with paragraph (c) of this section may be waived at the discretion of FSA alone for refunds resulting from those violations determined by FSA to have been beyond the control of the person committing the violation.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in 7 CFR part 792.

(f) Any excess payments made by FSA with respect to any application under this part must be refunded.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by any person, the benefit must be repaid with any applicable interest.

§ 784.17 Offsets and withholdings.

FSA may offset or withhold any amounts due FSA under this subpart in accordance with the provisions of 7 CFR part 792, or successor regulations, as designated by the Department.

§ 784.18 Assignments.

Any person who may be entitled to a payment may assign his rights to such payment in accordance with 7 CFR part 1404 or successor regulations as designated by the Department.

Signed at Washington, DC, on March 20, 2002.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 02–7220 Filed 3–21–02; 3:52 pm]

BILLING CODE 3410–05–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AE42

Small Business Size Regulations; Size Standards for Programs of Other Agencies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is revising the procedural regulations that Federal agencies must follow to obtain approval of the SBA Administrator for establishing size standards for use in their programs. This revision will simplify SBA's regulations by requiring agencies to consult with SBA before proposing a size standard. It requires them to obtain the SBA Administrator's approval before publishing a final rule.

DATES: This rule is effective on April 25, 2002.

FOR FURTHER INFORMATION CONTACT: Carl Jordan, Office of Size Standards, at (202) 205–6618.

SUPPLEMENTARY INFORMATION:

Introduction

The Small Business Act (sec. 3(a) & (b), 15 U.S.C. 632) (the Act) provides for the establishment of small business size standards. The Act authorizes the Administrator of SBA to ''specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act *or any other Act*'' (emphasis added). The Act gives the SBA Administrator exclusive authority to establish small business size standards for all Federal agencies, in the absence of other specific statutory authority. Unless a statute specifies size standards for an agency's program or gives an agency direct authority to establish size standards, the agency must use the applicable size standards established by SBA. However, the Act allows an agency to ''prescribe a size standard for categorizing a business concern as a small business concern'' (sec. 3(a)(2)(C) of the Act) provided the contemplated size standard meets certain criteria *and* the agency obtains approval of the SBA Administrator.

Currently, SBA's Small Business Size Regulations in 13 CFR 121.902 describe procedures that agencies must follow before they prescribe size standards for their own use. These regulations require an agency, contemplating the use of size standards different from those established by SBA, to obtain the SBA Administrator's approval to do so before it proposes them for comment as part of its rulemaking process. If an agency believes that size standards different from those established by SBA are appropriate for its purposes, it must propose specific size standards, explain why it believes they are appropriate for their purposes and why SBA's size standards are not, and seek public comment on them. The proposed size standards must be specific and must meet the criteria set forth in the Act and SBA's regulations. Before an agency issues a final rule, it must notify SBA of the size standards it is adopting and provide SBA with copies of public comments received on the proposed size standards.

Reasons for the Change in the Regulation

Based on its experience in evaluating agencies' requests for special size standards, SBA proposed revisions to its Small Business Size Regulations by modifying what information agencies need to provide to SBA and when formal approval is required (65 FR 4176, dated January 26, 2000). SBA explained in the proposed rule that the purpose of the revision is to: (1) Streamline the rulemaking process; (2) eliminate a step in the approval process in cases where an agency contemplates adopting a size standard different from a proposed size standard approved by the SBA's Administrator; (3) give an agency SBA's advisory input before the agency issues its proposed size standard; and (4) allow SBA to consider in its decision-making process the requesting agency's proposed rule, its explanation and justification for the size standards it intends to adopt, copies of the public comments to the proposed size standards, and a draft copy of the agency's intended final rule.

Summary of New Procedures

This final rule adopts the proposed changes of January 26, 2000. The comments received on the proposed rule generally supported the proposed revisions (see discussion of comments below). The adopted procedures establish a consultation requirement with SBA's Office of Size Standards before publishing a proposed rule and require agencies to obtain the SBA Administrator's formal approval before adopting the size standards in a final rule.

Consultation with SBA's Office of Size Standards must be in writing and take place at least fourteen (14) calendar days before issuing the proposed rule. It must include what size standard the agency is proposing, to what program it will apply, how the agency arrived at the particular size standard, and why SBA's existing size standards do not satisfy the agency's program requirements. This consultation will allow SBA to review the proposed size standards and advise the agency as soon as practicable of issues that could prevent the SBA Administrator's approval, such as those in conflict with the Act or SBA Small Business Size Regulations. The agency will then have the opportunity to address those issues in either the proposed rule or final rule.

Prior to publishing a final rule, the agency must request and obtain the SBA's Administrator's approval to establish its own size standard. The agency must provide SBA with copies of

public comments on the proposed rule; a justification for the intended size standards; a copy of the intended final rule; and any additional information the SBA may request as part of its review.

These procedures are more practical for the agencies to follow than the current procedures in two ways. First, they only require the SBA Administrator's approval before the agency issues its final rule adopting the contemplated size standards, rather than before it proposes them. Agencies have found submitting formal requests during the formulation of the proposed rule difficult since size standard decisions are often made shortly before publication of the rule. Second, by consulting with SBA prior to publishing a proposed rule it makes SBA aware of an agency's proposal and gives it an opportunity to advise the agency if the contemplated size standards could not be approved. An agency will be able to consider SBA's comments before publishing a proposed rule, if possible, and well in advance of a final rule.

Summary and Discussion of Comments to the Proposed Rule

SBA received six comments to its proposal. Four Federal agencies commented on the rule, one association, and one office within SBA. All, but one commenter, were supportive of the proposed changes to the current procedures. The comments raised several noteworthy issues. These issues are discussed below, and they lead to minor wording changes to the final rule.

A comment from a United States Commission supported the proposed regulatory revision. The Commission stated that such a change would help conserve the resources of SBA as well as those of agencies that seek approval for special size standards under this regulation. SBA can then focus on the comments the agency receives to its proposed size standards, rather than on the agency's pre-comment estimates of their appropriateness for the stated purpose. The Commission further commented that the requirement for consultation at least 14 days prior to publishing the proposed size standards should cause no undue burden on agencies in complying with this regulation.

The Commission also commented that the requirement in the proposed § 121.903(a)(6), that the requesting agency certify its compliance with the Small Business Act, is unnecessary. We agree with the Commission's observation, and we have not included that requirement in the final rule. As part of SBA's review, it will ensure that an agency's size standard complies with the Small Business Act.

The Commission also suggested reversing the order of § 121.903(a)(5) and § 121.903(a)(6). These sections discuss the requirement to obtain the SBA Administrator's approval and what information an agency must submit. SBA recognizes that these sections are closely related and can be considered as one. Therefore, SBA has combined the requirements of the proposed § 121.903(a)(6) with § 121.903(a)(5).

A Federal agency opposed the proposed regulatory change for three reasons. First, it claimed that the change will not reduce the regulatory burden on agencies, and for some it may be more burdensome. The agency stated that the proposed revision requires more information than the existing regulation. We disagree. The new procedures essentially ask for the same information that we require under the existing regulation. The only difference is in the timing of the submission. In fact, based on past experience, we strongly believe that the existing regulation, if we do not revise it, is more burdensome on an agency than these revisions. The current regulation requires SBA to review the submitted information without the benefit of the public comments on the proposed size standard. The new procedures require only that the agency consult with SBA before it proposes the size standards, and provide SBA minimal information at that time. The agency does not have to obtain SBA approval to propose size standards. Documentation to support an agency's request for alternative size standards would be more comprehensive and logically related if the agency submits it to SBA after it has had the benefit of public comments on its proposal.

Second, the objecting agency requested that SBA clarify whether ''consultation'' associated with a Regulatory Flexibility Analysis in § 121.903(c) is an ''informal'' consultation or a formal consultation as described in the proposed § 121.903(a)(2). Section 121.903(c) refers only to the use of size standards for performing a Regulatory Flexibility Analysis (RFA). Under section 601(3) of the Regulatory Flexibility Act, an agency must use SBA's size standards for an RFA, or after consultation with the SBA's Office of Advocacy and after an opportunity for public comment, it may use different size standards. The procedures of § 121.903(a) do not apply to alternative size standards established for RFA purposes.

Third, the agency recommended that the final rule require SBA action within a reasonable time. The agency pointed out that the proposed rule contained no timeframe within which SBA must respond, and expressed concern that SBA could ''prevent indefinitely an agency from issuing a final rule.'' Another agency also raised this point and recommended a 21-day period for SBA to review a final rule. Under this final rule, an agency requests approval for alternate size standards only after it has gone through the proposal and comment stage at least once. SBA cannot anticipate how much time an agency will allow between the time it requests approval and when it intends to publish its final rule. Further, SBA cannot know the nature or the extent of the comments the agency will receive, or how long it may take for SBA and the agency to resolve any outstanding issues. With these unknowns, we cannot specify in a rule how long SBA will take to respond to the agency's request. Furthermore, not approving an agency's request within a stated time cannot bestow de facto approval by SBA, because the Act specifically requires the Administrator's approval before an agency can prescribe its own size standards. It goes without saying that SBA remains committed to giving priority to agency requests for approval for alternative size standards and will strive to complete its review within 30 days, if practicable, and will work with an agency to resolve issues that may prevent timely approval of size standards.

An office within SBA concurred in the proposed changes. The office noted that in the proposed § 121.903(a)(1)(ii) that SBA referred to ''gross'' receipts as the size standard measure for services concerns. The office expressed concern that this might confuse the meaning of 13 CFR 121.104, ''How Does SBA Calculate Receipts,'' which does not use the term ''gross,'' except ''in the case of a sole proprietorship'' (§ 121.121.104a(a)(1)). We agree, and have removed ''gross'' from the final version of § 121.903(a)(1)(ii).

Compliance With Executive Orders 12866, 12988, and 13132, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35.)

The Office of Management and Budget reviewed this rule as a ''significant'' regulatory action under Executive Order 12866.

For purposes of the Regulatory Flexibility Act, SBA has determined that this rule does not have a significant economic effect on a substantial number of small entities. SBA has made this determination for the following reasons: (1) The change is procedural, not

substantive, in nature; (2) the change applies to Federal agencies only; and (3) the change applies only when a Federal agency contemplates categorizing an entity as a small business concern for its programs using standards other than those established by SBA. SBA has also made this determination based on the nature, number and complexity of requests from Federal agencies that have made such requests. SBA believes that this amendment will not increase the nature, number or frequency of these requests.

For purposes of Executive Order 12988, SBA has determined that this rule is drafted, to the extent possible under standards in section 3 of the Order.

For purposes of Executive Order 13132, SBA has determined that this rule does not have any federalism implications warranting the preparation of a Federalism Assessment.

For purposes of the Paperwork Reduction Act, 44, U.S.C. Ch. 35, SBA has determined that this rule does not impose any new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs-business, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For reasons stated in the preamble, SBA is amending 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c), and 662(5); and sec. 304, Pub. L. 103–403, 108 Stat. 4175, 4188.

2. Section 121.902 is revised to read as follows:

§ 121.902 What size standards are applicable to programs of other agencies?

SBA size standards. The size standards for compliance with programs of other agencies are those for SBA programs which are most comparable to the programs of such other agencies, unless the agency and SBA agree otherwise.

3. Section 121.903 is revised to read as follows:

§ 121.903 How may an agency use size standards for its programs that are different than those established by SBA?

(a) Federal agencies or departments promulgating regulations relating to small businesses usually use SBA size criteria. In limited circumstances, if they decide the SBA size standard is not suitable for their programs, then agency heads may establish a more appropriate small business definition for the exclusive use in such programs, but only when:

(1) The size standard will determine:

(i) The size of a manufacturing concern by its average number of employees based on the preceding twelve calendar months, determined according to § 121.106;

(ii) The size of a services concern by its average annual receipts over a period of at least three years, determined according to § 121.104;

(iii) The size of other concerns on data over a period of at least three years; or,

(iv) Other factors approved by SBA;

(2) The agency has consulted in writing with SBA's Assistant Administrator for Size Standards at least fourteen (14) calendar days before publishing the proposed rule which is part of the rulemaking process. The written consultation will include:

(i) What size standard the agency contemplates using;

(ii) To what agency program it will apply;

(iii) How the agency arrived at this particular size standard for this program; and,

(iv) Why SBA's existing size standards do not satisfy the program requirements;

(3) The agency proposes the size standard for public comment pursuant to the Administrative Procedure Act, 5 U.S.C. 553;

(4) The agency provides a copy of the proposed rule, when it publishes it for public comment as part of the rulemaking process, to SBA's Assistant Administrator for Size Standards; and

(5) SBA's Administrator approves the size standard before the agency adopts a final rule or otherwise prescribes the size standard for its use. The agency's request for the SBA Administrator's approval must include:

(i) Copies of all comments on the proposed size standard received in response to the proposed rule;

(ii) A separate written justification for the intended size standard;

(iii) A copy of the intended final rule if available at that time, or a copy of the intended final rule and preamble prior to its publication; and

(iv) Other information SBA may request in connection with the request.

(b) When approving any size standard established pursuant to this section, SBA's Administrator will ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries, and consider other relevant factors.

(c) Where the agency head is developing a size standard for the sole purpose of performing a Regulatory Flexibility Analysis pursuant to section 601(3) of the Regulatory Flexibility Act, the department or agency may, after consultation with the SBA Office of Advocacy, establish a size standard different from SBA's which is more appropriate for such analysis.

4. Section 121.904 is added to read as follows:

§ 121.904 When does SBA determine the size status of a business concern?

For compliance with programs of other agencies, SBA will base its size determination on the size of the concern as of the date set forth in the request of the other agency.

Dated: October 16, 2001.

Hector V. Barreto,

Administrator.

[FR Doc. 02–7152 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 802

Premerger Notification; Reporting and Waiting Period Requirements; Correction

AGENCY: Federal Trade Commission.

ACTION: Final rule, correction.

SUMMARY: This document contains the correction to the premerger notification final rule which was published Monday, March 18, 2002, (67 FR 11898). This document corrects a paragraph reference that appears in an example to § 802.51.

EFFECTIVE DATE: April 17, 2002.

FOR FURTHER INFORMATION CONTACT: Marian R. Bruno, Assistant Director, Karen E. Berg, Attorney, or B. Michael Verne, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Telephone: (202) 326–3100.

SUPPLEMENTARY INFORMATION: The final rule, as published, contained an error in the paragraph referenced in the examples to section 802.51.

Accordingly, the final rule for 16 CFR part 802, published in the **Federal Register** on March 18, 2002, is corrected as follows:

§ 802.51 [Corrected]

On page 11904, in § 802.51, in example 3, in the third column, in the

second line ''(b)(3)'' is corrected to read ''(b)(2)''.

Donald S. Clark,

Secretary.

[FR Doc. 02–7171 Filed 3–25–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 20

[Docket No. 02N–0086]

Public Information; Cross Reference to Other Regulations; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to correct an inadvertent error that has been incorporated into the public information regulations. This action is being taken to ensure the accuracy and consistency of the regulations.

DATES: This rule is effective March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Doris Tucker, Office of Policy, Planning, and Legislation (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: FDA has discovered that an error has been incorporated into the agency's regulations for 21 CFR part 20. This document corrects that error. Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive.

List of Subjects in 21 CFR Part 20

Confidential business information, Courts, Freedom of information, Government employees.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 20 is amended as follows:

PART 20—PUBLIC INFORMATION

1. The authority citation for 21 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552; 18 U.S.C. 1905; 19 U.S.C. 2531–2582; 21 U.S.C. 321–393, 1401–1403; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1.

§ 20.100 [Amended]

2. Section 20.100 *Applicability; cross-reference to other regulations* is amended by removing paragraph (c)(30) and redesignating paragraphs (c)(31) through (c)(41) as paragraphs (c)(30) through (c)(40), respectively.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7180 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for G.D. Searle & Co.

DATES: This rule is effective March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209, e-mail: lluther@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: G.D. Searle & Co., P.O. Box 5110, Chicago, IL 60680, has informed FDA of a change of name and address to G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for ''G.D. Searle & Co.'' and in the table in paragraph (c)(2) by revising the entry for ''000014'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077	000014
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
000014	G.D. Searle LLC, Pharmacia Corp., 4901 Searle Pkwy., Skokie, IL 60077
* * * * * * *	

Dated: February 22, 2002.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 02–7147 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 809a

RIN 0701–AA64

Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance

AGENCY: Department of the Air Force, DoD.

ACTION: Final Rule.

SUMMARY: The Department of the Air Force has revised its regulations in 32 CFR part 809a dealing with installation entry policy, barments, enforcing order within or near Air Force installations, and civil disturbance and disaster assistance, to reflect current policies. This rule implements guidance from Section 21 of the Internal Security Act of 1950; DoD Directive 5200.8, Security of DoD Installations and Resources; and Title 10 U.S.C., Sections 332 and 333. The revision adds expulsion and installation entry point check procedures.

EFFECTIVE DATE: March 27, 2002.

FOR FURTHER INFORMATION CONTACT: SMSgt Walter Filipiak, (210) 671–0898.

List of Subjects in 32 CFR Part 809a

Civil defense, Civil disorders, Disaster assistance, Federal buildings and facilities, Foreign relations, Law enforcement, Military personnel.

For the reasons set forth in the preamble, the Department of the Air Force is revising 32 CFR Part 809a to read as follows:

PART 809a—INSTALLATION ENTRY POLICY, CIVIL DISTURBANCE INTERVENTION AND DISASTER ASSISTANCE

Sec.

809a.0 Purpose.

Subpart A—Installation Entry Policy

809a.1 Random installation entry point checks.
809a.2 Military responsibility and authority.
809a.3 Unauthorized entry.
809a.4 Use of Government facilities.
809a.5 Barment procedures.

Subpart B—Civil Disturbance Intervention and Disaster Assistance

809a.6 Authority.
809a.7 Definitions.
809a.8 Installation policies and laws.
809a.9 Conditions for use of Air Force resources.
809a.10 Military commanders' responsibilities.
809a.11 Procedures outside the United States.

Authority: 10 U.S.C. 332 and 333.

§ 809a.0 Purpose.

This part prescribes the commanders' authority for enforcing order within or near Air Force installations under their jurisdiction and controlling entry to those installations. It provides guidance for use of military personnel in controlling civil disturbances and in supporting disaster relief operations. This part applies to installations in the United States, its territories and possessions, and will be used to the maximum extent possible in the overseas commands. Instructions issued by the appropriate overseas commander, status of forces agreements, and other international agreements provide more definitive guidance for the overseas commands. Nothing in this part should be construed as authorizing or requiring security forces units to collect and maintain information concerning persons or organizations having no affiliation with the Air Force other than a list of persons barred from the installation.

Subpart A—Installation Entry Policy

§ 809a.1 Random installation entry point checks.

The installation commander determines when, where, and how to implement random checks of vehicles or pedestrians. The commander conducts random checks to protect the security of the command or to protect government property.

§ 809a.2 Military responsibility and authority.

(a) Air Force installation commanders are responsible for protecting personnel and property under their jurisdiction and for maintaining order on installations, to ensure the uninterrupted and successful accomplishment of the Air Force mission.

(b) Each commander is authorized to grant or deny access to their installations, and to exclude or remove persons whose presence is unauthorized. In excluding or removing persons from the installation, the installation commander must not act in an arbitrary or capricious manner. Their action must be reasonable in relation to their responsibility to protect and to preserve order on the installation and to safeguard persons and property thereon. As far as practicable, they should prescribe by regulation the rules and conditions governing access to their installation.

§ 809a.3 Unauthorized entry.

Under Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797), any directive issued by the commander of a military installation or facility, which includes the parameters for authorized entry to or exit from a military installation, is legally enforceable against all persons whether or not those persons are subject to the Uniformed Code of Military Justice (UCMJ). Military personnel who reenter an installation after having been properly ordered not to do so may be apprehended. Civilian violators may be detained and either escorted off the installation or turned over to proper civilian authorities. Civilian violators may be prosecuted under 18 U.S.C. 1382.

§ 809a.4 Use of Government facilities.

Commanders are prohibited from authorizing demonstrations for partisan political purposes. Demonstrations on any Air Force installation for other than political purposes may only occur with the prior approval of the installation commander. Demonstrations that could result in interference with, or prevention of, the orderly accomplishment of the mission of an installation or that present a clear danger to loyalty, discipline or morale

of members of the Armed Forces will not be approved.

§ 809a.5 Barment procedures.

Under the authority of 50 U.S.C. 797, installation commanders may deny access to the installation through the use of a barment order. Barment orders should be in writing but may also be oral. Security forces maintain a list of personnel barred from the installation.

Subpart B—Civil Disturbance Intervention and Disaster Assistance

§ 809a.6 Authority.

The authority to intervene during civil disturbances and to provide disaster assistance is bound by directives issued by competent authorities. States must request federal military intervention or aid directly from the President of the United States by the state's legislature or executive. Installation commanders must immediately report these requests in accordance with AFI 10–802, *Military Support to Civil Authorities* (Available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.).

§ 809a.7 Definitions.

The following definitions apply to this part:

(a) *Emergencies.* These are conditions which affect public welfare and occur as a result of enemy attack, insurrection, civil disturbances, earthquake, fire, flood, or other public disasters which endanger life and property or disrupt the usual process of government. The term ''emergency'' includes any or all of the conditions explained in this section.

(b) *Civil defense emergency.* This is a disaster situation resulting from devastation created by an enemy attack and requiring emergency operations during and following attack. It may also be proclaimed by appropriate authority in anticipation of an attack.

(c) *Civil disturbances.* These are group acts of violence or disorder prejudicial to public law and order including those which follow a major disaster. They include riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders.

(d) *Major disaster.* Any flood, fire, hurricane, or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of the State and local governments in alleviating the damage, hardship, or suffering caused thereby.

§ 809a.8 Installation policies and laws.

This subpart contains policies on the use of Air Force military personnel in civil disturbances and disasters. The more important laws concerning military aid to civil authorities are also summarized.

(a) The Air Force gives military assistance to civil authorities in civil defense or civil disturbances and disasters only when such assistance is requested or directed. Commanders will not undertake such assistance without authority, unless the overruling demands of humanity compel immediate action to protect life and property and to restore order.

(b) The military service having available resources nearest the affected area is responsible for providing initial assistance to civil authorities in emergencies. Subsequent operations are to be according to the mutual agreement between the senior service commanders concerned.

(c) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State is the primary responsibility of State and local authorities. It is well-established U.S. Government policy that intervention with military forces takes place only after State and local authorities have used their own forces and are unable to control the situation, or when they do not take appropriate action.

§ 809a.9 Conditions for use of Air Force resources.

This part is not intended to extend Air Force responsibilities in emergencies to generate additional resources (manpower, materiel, facilities, etc.) requirements, or encourage participation in such operations at the expense of the Air Force primary mission. It is a guide for the employment of Air Force resources when:

(a) A disaster or disturbance occurs in areas in which the U.S. Air Force is the executive agent of the United States.

(b) A disaster or disturbance occurs in areas that are remote from an Army installation but near an Air Force installation, thereby necessitating Air Force assumption of responsibility pending arrival of Army personnel.

(c) The overriding demand of conditions resulting from a natural disaster compels immediate action to protect life and property and to restore order.

§ 809a.10 Military commanders' responsibilities.

(a) Civilians in the affected area will be informed of the rules of conduct and other restrictive measures to be enforced by the military. These will be announced by local proclamation or order, and will be given the widest publicity by all available media.

(b) Persons not normally subject to military law, who are taken into custody by military forces incident to civil disturbances, will be turned over to the civil authorities as soon as possible.

(c) Military forces will ordinarily exercise police powers previously inoperative in an affected area; restore and maintain order; maintain essential transportation and communication; and provide necessary relief measures.

(d) U.S. Air Force civilian employees may be used, in any assignments in which they are capable and willing to serve. In planning for on-base contingencies of fires, floods, hurricanes, and other natural disasters, arrangements should be made for the identification and voluntary use of individual employees to the extent that the needs for their services are anticipated.

§ 809a.11 Procedures outside the United States.

It is Air Force policy to make every reasonable effort to avoid any confrontation between United States military forces and host nation demonstrators or other dissidents posing a threat to Air Force resources. Intervention by United States military personnel outside the United States is governed by international law, bilateral and other international agreements to which the United States is a party, and host-nation laws. Local plans to counter such situations must include provisions to request and obtain host nation civil or military support as quickly as possible.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–6886 Filed 3–25–02; 8:45 am]

BILLING CODE 5000–04–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–02–009]

RIN 2115–AE46

Special Local Regulations for Marine Events; Chesapeake Bay Near Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations during the Volvo Ocean Race, Leg 7 Restart, a marine event to be held over the waters of Chesapeake Bay between Thomas Point and Sandy Point, near Annapolis, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Chesapeake Bay during the event.

DATES: This rule is effective from 10 a.m. to 2:30 p.m. EDT on April 28, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05–02–009 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dulani Woods, Volvo Ocean Race Chesapeake Project Officer, Commander, Coast Guard Activities Baltimore, telephone number (410) 576–2513.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The event will occur on Sunday, April 28, 2002, and numerous spectator craft are expected to gather near the event area. Because of the danger posed by many sailing vessels maneuvering in close proximity of each other at the beginning of a critical race restart, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel will remain unaffected during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers.

Background and Purpose

On April 28, 2002, Ocean Race Chesapeake, Inc. will sponsor the Leg 7 Restart of the 2001–2002 Volvo Round The World Race on the waters of Chesapeake Bay between Thomas Point and Sandy Point, near Annapolis, Maryland. The event will consist of eight 64-foot sailing vessels conducting a strictly organized restart to a highly publicized, international sailing race. Opposing teams will be maneuvering in a predetermined area on the Chesapeake Channel adjacent to the William P. Lane Jr. (Chesapeake Bay) Bridge Main Channel Span. A fleet of spectator vessels is anticipated. Due to the need for vessel control while a fair and accurate restart is conducted, vessel traffic will be temporarily restricted to provide for the safety of spectators, participants and transiting vessels.

Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Chesapeake Bay. The regulated area will include an area approximately 7.5 nautical miles long and 1.3 nautical miles wide. The temporary special local regulations will be enforced from 10 a.m. to 2:30 p.m. EDT on April 28, 2002, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. The William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel will remain unaffected during the event.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Although this regulation prevents traffic from transiting the Chesapeake Channel between Thomas Point and Sandy Point during the event, the effect of this regulation will not be significant due to the limited duration of the regulation, the availability of the William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers, so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this section of Chesapeake Bay during the event.

Although this regulation prevents traffic from transiting the Chesapeake Channel of the Chesapeake Bay during the event, the effect of this regulation will not be significant because of its limited duration, the availability of the William P. Lane Jr. (Chesapeake Bay) Bridge Eastern Span and Channel, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, sponsor-provided pamphlets and area newspapers, so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State law or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial and direct effect on one or more Indian tribes, on the relationship between the Federal Governments and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(h) and (35)(a) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit for an event not located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government, are specifically excluded from further analysis and documentation under those sections. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add a temporary section, § 100.35T–05–009 to read as follows:

§ 100.35T–05–009 Chesapeake Bay, near Annapolis, MD.

(a) *Definitions:*

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant.* Includes all vessels participating in the Volvo Ocean Race Chesapeake under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

(4) *Regulated Area.* Includes the waters of the Chesapeake Bay, within an area approximately 7.5 nautical miles long and 1.3 nautical miles wide, bounded by a line drawn from a position at latitude 39°00′32″ N, longitude 076°23′03″ W, southwesterly to a position at 39°00′11″ N, longitude 076°21′50″ W, southeasterly to a position at 38°56′07″ N, longitude 076°24′11″ W, southerly to a position at 38°53′00″ N, longitude 076°24′13″ W, easterly to a position at 38°53′00″ N, longitude 076°25′58″ W, northerly to a position at 38°56′30″ N, longitude 076°25′29″ W, thence northeasterly to a position at 39°00′32″ N, longitude 076°23′03″ W. All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations:*

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(iii) Unless otherwise directed by the official patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Effective Dates:* This section is in effect from 10 a.m. to 2:30 p.m. EDT on April 28, 2002.

Dated: March 13, 2002.

L. Mizell,

Captain, Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 02–7232 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

Proposed Rules

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV–98–303]

Apples; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the United States Standards for Grades of Apples. These standards are issued under the Agricultural Marketing Act of 1946. The proposal would provide for the mixed varieties and change the color requirements for apples by reducing the number of apple varieties required to meet specific minimum color requirements. It would also delete the provision that apples be ''carefully hand-picked.'' The ''U.S. No. 1 Early grade'' and the ''Unclassified'' section would also be deleted. Size specifications would be changed to allow Red Delicious and Golden Delicious varieties to meet either a minimum diameter or a minimum weight (currently these varieties must meet a minimum diameter designation). Changes would also be made to the application of tolerances for the purpose of allowing greater tolerances for defects in individual packages which contain 10 pounds or less, provided that the averages for the lot as a whole are met. The marking requirements would be changed by adding variety and grade to required markings on containers. The term ''brown surface discoloration'' would be added to the provisions which contain the requirements for the various grades of apples. The classification of ''Bitter pit'' and ''Jonathan spot'' would be clarified. Also, the U.S. Condition Standards for Export would be revised by removing the tolerance for slight scald and by changing the individual container tolerances in these requirements from one defective apple to three defective apples, provided the averages for the lot as a whole are met. In addition, the proposed rule will provide metric equivalents for dimensions given in terms of U.S. customary units and contains conforming and editorial changes. The purpose for this revision is to update and revise the standards to more accurately represent today's marketing practices.

DATES: Comments must be received by May 28, 2002.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2065, South Building, STOP 0240, Washington, DC 20250; Fax (202) 720–8871, e-mail *FPBDocket_clerk@usda.gov.* Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: David Priester, at the above address or call (202) 720–2185; e-mail *David.Priester@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and 12988

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action. This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of the rule.

Regulatory Flexibility Act

The Agricultural Marketing Service (AMS) received a request to update and revise the United States Standards for Grades of Apples from the U.S. Apple Association (USAA). The USAA is a trade association representing over 500 individual apple business-related firms including growers, packers, shippers, processors, and industry suppliers. In addition, the USAA also represents approximately 9,000 apple growers throughout the U.S. through affiliation with state or regional apple associations. The Department and the USAA have been working closely together over the past eleven years to identify issues, defects, tolerances, and marketing practices related to apples for fresh market sale for the purpose of updating the United States Standards for Grades of Apples. The revisions being proposed will benefit all aspects of the apple industry with regard to these areas and make the standards current with today's marketing trends and practices.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Accordingly, AMS has prepared this initial regulatory flexibility analysis. Interested parties are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule would revise the U.S. Standards for Grades of Apples that were issued under the Agricultural Marketing Act of 1946. The proposed amendment of the standards would: revise the basic requirements sections of each grade by providing for mixed varieties; delete the reference to ''carefully hand-picked''; revise the reference to ''scald'' by using the term ''brown surface discoloration''; clarify the classification of ''Bitter pit'' and ''Jonathan spot''; place the definitions for bruising in their appropriate places; delete the ''U.S. No. 1 Early grade''; revise the color requirements section by redefining the requirements and requiring less varieties to meet these requirements; delete the ''Unclassified'' section; designate weight equivalents (in grams) for certain diameter sizes of Red Delicious and Golden Delicious varieties; revise the ''application of tolerances'' section in regard to consumer packages; and add variety and grade to the marking requirements section.

The U.S. Standards for Grades of Apples and the U.S. Condition Standards for Export are both voluntary standards. There are no regulatory

provisions that require the use of these standards with the exception of the Export Apple Act (7 U.S.C. 581 *et seq.*) and its regulations (7 CFR part 33) in regard to the U.S. Standards for Grades of Apples. Under the Export Apple Act, shipments of apples to foreign countries must meet a minimum requirement of the U.S. No. 1 grade (there are exemptions based on lot size, destination, etc.).

According to USDA's National Agricultural Statistics Service (NASS) report of the 1997 Census of Agriculture, there are approximately 18,500 apple farms in the United States. Further, NASS information indicates that, in 1998, these 18,500 farms produced over 11 billion pounds of apples. Approximately 55 percent of the 1998 crop was eaten as fresh fruit. In 1999, apple production was down to 10 billion pounds. The top five producing states were Washington, New York, Michigan, California, and Pennsylvania, respectively. These five states collectively produced over 83 percent of the total 1998 U.S. apple crop.

Small agricultural service firms, which include handlers, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. The apple industry is characterized by growers and handlers whose farming operations generally involve more than one type (such as fresh market utilization versus processed market utilization) and variety of apple, and whose income from farming operations is not exclusively dependent on one apple variety or even one commodity. Typical apple growers and shippers produce multiple varieties of fresh market apples within a single year. It is estimated that the majority of the producers do have overall gross annual receipts greater than $750,000. Additionally, there are approximately 5,100 apple handlers (i.e., packers, brokers, distributors, importers, etc.). It is estimated that the majority of apple handlers do not fit SBA's definition of a small entity.

This rule proposes several changes to the U.S. Standards for Grades of Apples. These changes are intended to update the standards to maintain their usefulness in today's markets. For example, the color requirements that appear in the current standards are much the same as those that were published in 1923 even though many of the varieties marketed then are no longer marketed, or marketed in a significant volume. This proposed action will make the standards more consistent and uniform with current marketing trends and commodity characteristics. Therefore, it should benefit handlers and growers regardless of their size. Further, the benefits of this rule are not expected to be disproportionately greater or smaller for small handlers or producers than for larger entities. Alternatives were considered for this action. One alternative would be to not issue the proposed changes. However, the need for revision increases due to ever changing market characteristics, and the proposal represents approximately 10 years of research, surveys, and other input from all sectors of the apple industry and government. Further, since the purpose of these standards is to facilitate the marketing of agricultural commodities, not revising them by upgrading the standard could result in confusion in terms of the proper application of the U.S. grade standards.

This proposed action will not impose any additional reporting or recordkeeping requirements on either small or large apple producers, handlers, or importers. In addition, other than discussed above, the Department has not identified any Federal rules that duplicate, overlap, or conflict with this rule.

Discussion of Proposed Revisions

The current U.S. apple grades (U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, U.S. No. 1 Early, U.S. No. 1 Hail, and U.S. Utility) would remain in the standards. The U.S. No. 1 Early grade would be removed. This grade (Section 51.302 (a)) would be deleted since market surveys performed by the Department have indicated that it is no longer used by the industry.

Section 51.300, U.S. Extra Fancy, Section 51.301, U.S. Fancy, and Section 51.303, U.S. Utility currently state that apples must be ''of one variety.'' This would be changed to '' . . . consists of apples of one variety (except when more than one variety is printed on the container)'' to allow for mixed variety lots. This change is being proposed primarily for the benefit of those shipper/packers that would prefer to pack more than one variety in the same container, such as gift packs of two or more varieties. However, the names of the multiple varieties would be required to be printed on the container. Any packages that contain more than one variety and are not designated as such on the container would fail to grade due to dissimilar varieties.

Sections 51.300, 51.301, and 51.303 also state that the apples must be ''. . . carefully handpicked.'' We propose to delete this provision and its corresponding definition in § 51.315 because it is difficult to determine if an apple has been ''carefully handpicked,'' especially at points of destination. Further, this requirement was not intended to prevent machine picked apples from making a U.S. grade. The original intent of this phrase was to preclude apples which had fallen from the tree and were laying on the ground (commonly referred to as ''drops'') from making a U.S. grade. However, the apple industry does not use drops for packing. As a result of the deletion of § 51.315, all sections following this section would be renumbered accordingly.

The Department's Agricultural Handbook 376 states that ''Scald is a physiological disease of apples that has been recognized as a serious problem for as long as apples have been stored and marketed commercially. Scald is known by such names as ordinary scald, storage scald, common scald, hard scald (as opposed to the soft scald disease), and superficial scald, although tissues may be killed to ¼ inch in some varieties.''

Sections 51.300, 51.301, and 51.303 currently require that apples be free from ''scald'' in any of the grades. Although there are many different origins of scald, there are primarily only two types, surface scald and soft scald. Surface scald which only affects the skin of the apple and which is firm in texture, would be included under the definitions of injury, damage, and serious damage, under the term ''brown surface discoloration.'' The word ''scald'' would be replaced with the phrase ''soft scald'' in these sections. To meet any of the grades apples would be requires to be free from ''soft scald.''

Many years ago, scald was a serious problem in shipments of apples, especially lots which had been stored for a period of time before shipment or sale. Improved harvesting techniques and anti-scald treatments have substantially limited the presence of scald in apple shipments. Although soft scald results in a disintegration of the flesh, and sometimes also produces a foul odor, surface scald is less objectionable, restricting the area affected to that of the skin. In addition, there are several types of defects which occur simply as brown surface discoloration (*i.e.,* delayed sunburn, which will be discussed in detail below) and which cannot be differentiated by the naked eye. This change is being proposed because it would be more accurate to group these defects together as ''brown surface discoloration'' than to use the term ''scald.''

Also, we are proposing to make revisions concerning two physiological

defects known as bitter pit and Jonathan spot. Although bitter pit and Jonathan spot are two separate, nonparasitic or noncontagious diseases, their appearance and effect to the apple are very similar. Therefore, these two defects are treated the same for the purpose of determining the quality based on the U.S. grade standards.

While the origin(s) of these two diseases is not entirely clear, their appearance is unmistakable. Affected apples display grayish brown to black circular spots which may be sunken (pits). Typical spots or pits are 1/16 to 1/8 inch in diameter, and often in the case of Jonathan spot, these spots will occur around the lenticels. These apples may have from one spot to the entire surface affected. Bitter pit and Jonathan spot are referenced in the standards in three different manners. In the U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 they are listed as ''free from'' defects (*i.e.,* fruit must be from these defects to meet the grades.) A description of when bitter pit or Jonathan spot are considered to be ''serious damage'' appears in Section 51.320. Furthermore, the U.S. Condition Standards for Export reference ''damage by'' bitter pit or Jonathan spot which does not conform with the U.S. grade standards' basic requirements which use the term ''free from.''

Therefore, to make the standards more clear and to eliminate any inconsistencies, it is proposed U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 grades require fruit to be free from damage caused by bitter pit and Jonathan spot, and free from serious damage in the U.S. Utility grade. ''Bitter pit or Jonathan spot when one or more spots affects the surface of the apple'' would also be added to the defects considered as damage in § 51.317 (g)(5). (This section is currently designated as § 51.319; however, the Section number would be changed due to revisions in text which will be described in detail later in this supplementary information section.) Section 51.320 (g)(5), Serious Damage (proposed § 51.318 (g)(5)) currently provides that ''Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit'' is considered to be serious damage. The section would be revised by removing ''does not materially deform . . .'' as the form of the fruit should not be considered when determining whether the fruit is seriously damage by bitter pit or Jonathan spot.

Sections 51.300 and 51.301 each require that apples be free from ''bruises except those which are slight and incident to proper handling and packing.'' However, bruising is currently scored based on severity (*i.e.,* injury, damage, and serious damage) while slight and incidental bruises (bruises which can be seen by holding the apple at certain angles to light or by slight indentations to the surface which have no apparent affect on the underlying flesh) are not considered as defects which would prevent the fruit from meeting grade.

While the degree of bruising is not defined in the standard, guidelines appear in the Apples Market Inspection and Apples Shipping Point Inspection handbooks. The fruit is considered is to be injured if the area affected exceeds 5/8 inch in diameter or 1/8 inch in depth, damage if the area affected exceeds 7/8 inch in diameter or 3/16 inch in depth, and serious damage if the area affected exceeds 1 1/8 inch in diameter or 3/8 inch in depth based on an apple with a three inch diameter. Correspondingly greater or lesser amounts are allowed based on the size of the individual apple. In addition, different allowances may be provided based on the type of pack (tray pack, cell pack, or other packs).

Therefore, to clarify and simplify the process of scoring bruises as a defect, §§ 51.300, 51.301, and 51.303 would require fruit to be free from injury, damage, or serious damage defect, by bruising, respectively, and different levels of bruising would be included in the definitions of injury, damage, and serious damage.

Another change proposed in this revision involves the amount of red color needed on red varieties apples for each grade. Currently, several varieties are listed in Table 1 of Section 51.305, Color Requirements. Many of the varieties listed in this table are no longer produced commercially. In addition, newer varieties have been marketed which are not listed in this table. This has led to questions as to the application of color requirements over the years, and their usefulness in application. After several years of research and surveys, the Department and the USAA Grades and Standards Committee (USAA GSC) believe they have developed a system that will best suit the needs of all apple marketers.

The proposed method will determine color requirements only for those varieties produced in commercial volume which have historically been marketed based on their color attributes. The USAA GSC has proposed a list consisting of the following twelve varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York. All other varieties would have no color requirements in determining the grade, although the color requirements of these other varieties may be specified between marketers.

The method or process used to determine color requirements for the twelve varieties of apples previously mentioned would remain basically unchanged. However, the Department is currently working on designing a new color comparator which will be applicable to these twelve varieties (the current version is only applicable to 6 different varieties). These color standards will be available for examination during the comment period in the Fresh Products Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture South Building, Washington, D.C. 20250; in any field office of the Fresh Products Branch; or upon request of any authorized inspector of the Fresh Fruit and Vegetable Inspection Service. In addition, the USAA GSC has provided suggested percentages of color required for the specified varieties. Finally, a new footnote would be added to the color requirements table in reference to ''varietal name designations.'' Varietal name designations refers to hybrid or sport varieties, or varietal names which contain one of the twelve listed varieties as a portion of the name. The footnote specifies that varietal designations of the twelve listed varieties must meet or exceed those color requirements listed for the original variety (*e.g.,* a varietal designation of Royal Winesap would be required to meet the same color requirements as designated for Winesap).

Section 51.306, Unclassified, would be removed. The Department has been removing sections in revised standards that make reference to ''Unclassified'' to eliminate any misunderstanding that this term designates an actual grade name. The term ''Unclassified'' is not an actual grade classification but was originally set out in the standards for use when no definite grade had been assigned to a given lot. Removing this entry would result in all sections following it to be renumbered by decreasing the Section number by one unit (*i.e.,* the following § 51.307 Tolerances, will now become § 51.306).

Another area within the standard that we propose to revise involves size requirements. Based on the current size requirements for lots designated by numerical count, § 51.307 (c) provides that not more than 5 percent of the apples in a lot may vary more than 1/4 inch in diameter. To determine if a lot has met this requirement, every apple must be sized and recorded so that it may be determined where, among all

apples sampled, the one-quarter inch variation lies. After determining where the variation is, the total number of apples outside this variation must be tallied.

We propose to revise the size section to provide for a much simpler process to determine uniformity. First, the diameters of the smallest and largest apple in the package would be determined. If the range between these two apples is ½ inch or less, the sample will be described as ''fairly uniform.'' If the range between these two apples is greater than one-half inch, the sample would be described as ''irregular.'' It is proposed that not more than 10 percent of the samples in the lot may fail to meet fairly uniform.

Also, weight equivalents would now be used for the Red Delicious and Golden Delicious varieties. These two varieties, due to their characteristic shape, can often be elongated (sometimes referred to as ''typie'' by apple handlers) rather than wide. The result is a product that actually has more edible flesh but is still unable to meet minimum diameter size requirements. The USAA has proposed a list of weight equivalents based on reference data from actual tests and surveys. These weights would appear in Table II of the proposed § 51.306(c), (currently § 51.307 (c)) along with their corresponding diameter measurement.

When this designation is used, an individual apple would be considered to have met the minimum size requirement if the apple is smaller than the minimum diameter, provided it is equal to or greater than the minimum weight. Likewise, an apple not meeting the minimum weight designation would also be considered to have met the minimum size requirement if the apple is equal to or larger than the corresponding minimum diameter. However, not more than five percent of the apples in any lot would be allowed to fail to meet both minimum diameter and minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combination, they would only be designated according to the combinations listed in Table II.

Another proposed revision to the standards affects the application of tolerances. The application of tolerances allows for an occasional sample with defects exceeding the lot tolerance, provided the lot averages within lot tolerances as a whole. However, the current application of tolerances for packages which contain 10 pounds or less, allows more than an occasional excess. It states, ''Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: *Provided,* That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.'' This could permit up to 100 percent defects in samples or packages that represent less than 10 percent of the packages in the lot.

Therefore, a more restrictive and appropriate Application of Tolerances for this situation is proposed. Section 51.307 (b)(1) (currently designated § 51.308 (b)(1)) would be revised to provide ''No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided*, That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.''

Proposed Section 51.308 (currently 51.309), Calculation of percentages, designates how the apples are to be sampled based on various characteristics of the lot, and, ultimately, how the percentages are determined based on the sampling method. Currently, the section states that when numerical count is marked on the container, percentages will be calculated on the basis of count and all other cases are based on weight or an equivalent basis. However, sampling for consumer size packages (consumer size packages are generally considered as packages weighing ten pounds or less) is not specifically addressed. Therefore, we propose to revise § 51.308. First, the title of the section would be changed to ''Methods of sampling and calculation of Percentages'' to more accurately reflect the contents of the section. Second, to specifically address the situation of consumer size packages, as well as any other basis for determining percentages, it is proposed that § 51.308 be revised to read as follows:

''(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than ½ inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count;

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.''

Section 51.312, Marking requirements, currently states that the numerical count or minimum diameter of the apples packed in a closed container shall be indicated on the container. The USAA GSC believes that requiring the count or diameter to be marked on the container is not sufficient for today's market, and that the grade and variety should also be plainly marked on the outside of the container. It is also necessary to revise this section to provide for the newly-proposed weight/diameter size classifications for Red Delicious and Golden Delicious varieties, and to provide for packages that contain more than one variety.

Therefore, we propose to revise § 51.312 (redesignated as § 51.311) to read as follows: ''Variety (or varieties if more than one is packed in the container), grade, and the numerical count or minimum diameter of apples packed in a closed container shall be indicated on the container. For apple lots utilizing the combined diameter/weight designations for Red Delicious and Golden Delicious varieties, the minimum diameter and minimum weight of apples packed in a closed container shall be indicated on the container. (a) When the numerical count is not shown, the minimum diameter or, in the case of Red Delicious or Golden Delicious lots where minimum diameter/weight designations have been chosen, the minimum diameter and weight as designated in Table II, shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof in the following manner: ''A'' inches or ''B'' grams, where ''A'' corresponds to one of the diameter measurements in terms of inches in Table II and ''B'' corresponds to the weight measurement in grams as indicated in Table II. Both diameter and weight must be shown using the word ''or'' between the given measurements.'' Paragraph (b) of this section remains unchanged.

Proposed §§ 51.316, 51.317, and 51.318 (currently §§ 51.318, 51.319, and 51.320) define terms of injury, damage, or serious damage. These sections would also be revised to reflect the changes concerning bruising, brown surface discoloration, bitter pit, and Jonathan spot as indicated in the earlier discussion of this supplementary information section.

Finally, proposed § 51.321, U.S. Condition standards for export (currently § 51.323), is a separate set of requirements that may be used for both exported and domestic shipments of apples. These requirements are not mandatory for exports or domestic shipments, but are provided as an optional classification for lots of apples. Only one change that pertains

specifically to providing 2 percent allowance for apples affected by slight scald is proposed in this section. Paragraph (c)(3) of this section states that ''Not more than 2 percent shall be allowed for apples affected by slight scald.'' Deleting this is necessary to clarify reference to scoring scald in the U.S. Condition Standards for Export and to make them consistent with the revisions being proposed within the standards. The inclusion of brown surface discoloration in the standards would encompass the various types of scald, making current paragraph (c)(3) of this section unnecessary.

Accordingly, AMS proposes to amend the United States Standards for Grades of Apples as follows:

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 51 is proposed to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 7 U.S.C. 1621—1627.

2. In part 51, Subpart—United States Standards for Grades of Apples for processing is revised to read as follows:

Subpart—United States Standards for Grades of Apples

Grades

Sec.

51.300 U.S. Extra Fancy.
51.301 U.S. Fancy.
51.302 U.S. No. 1.
51.303 U.S. Utility.
51.304 Combination grades.

Color Requirements

51.305 Color requirements.

Tolerances

51.306 Tolerances.

Application of Tolerances

51.307 Application of tolerances.

Methods of Sampling and Calculation of Percentages

51.308 Methods of sampling and calculation of percentages.

Condition After Storage or Transit

51.309 Condition after storage or transit.

Packing Requirements

51.310 Packing requirements.

Marking Requirements

51.311 Marking requirements.

Definitions

51.312 Mature.
51.313 Overripe.
51.314 Clean.
51.315 Fairy well formed.
51.316 Injury.
51.317 Damage.
51.318 Serious damage.
51.319 Seriously deformed.
51.320 Diameter.

U.S. Condition Standards for Export

51.321 U.S. Condition Standards for Export.

Metric Conversion Table

51.322 Metric conversion table.

Grades

§ 51.300 U.S. Extra Fancy.

''U.S. Extra Fancy'' consists of apples of similar varietal characteristics (except when the name of more than one variety appears on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, soft scald, scab, freezing injury, visible water core, and broken skins. The apples are also free from injury caused by bruises, brown surface discoloration, smooth net-like russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means. The apples are free from damage caused by bitter pit or Jonathan spot and by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, as well as damage by invisible water core after January 31st of the year following the year of production except for the Fuji variety of apples. Invisible water core shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in Table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

§ 51.301 U.S. Fancy.

''U.S. Fancy'' consists of apples of similar varietal characteristics (except when the name of more than one variety appears on the container) which are mature but not overripe, clean, fairly well formed, and free from decay, internal browning, internal breakdown, soft scald, freezing injury, visible water core, and broken skins. The apples are also free from damage caused by bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, bitter pit, Jonathan spot, or damage by other means, or invisible water core after January 31st of the year following the year of production, except for the Fuji variety of apples. Invisible water core shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in Table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

§ 51.302 U.S. No. 1.

''U.S. No. 1'' consists of apples which meet the requirements of U.S. Fancy grade except for color, russeting, and invisible water core. In this grade, less color is required for all varieties listed in Table I of § 51.305. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for U.S. Fancy as defined under the definitions of ''damage by russeting,'' except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided,* That, in the case of the Yellow Newtown or similar varieties, the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent. Each apple of this grade has the amount of color specified in § 51.305 for the variety. Invisible water core shall not be scored in this grade. (See §§ 51.305 and 51.306.)

(a) *U.S. No. 1 Hail:* ''U.S. No. 1 Hail'' consists of apples which meet the requirements of U.S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. (See §§ 51.305 and 51.306.)

(b) [Reserved]

§ 51.303 U.S. Utility.

''U.S. Utility'' consists of apples of similar varietal characteristics (except when more than one variety is printed on the container) which are mature but not overripe, not seriously deformed and free from decay, internal browning, internal breakdown, soft scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, bitter pit or Jonathan spot, disease, insects, or other means. (See § 51.306.)

§ 51.304 Combination grades.

(a) Combinations of the grades in §§ 51.300 through 51.303 may be used as follows:

(1) Combination U.S. Extra Fancy and U.S. Fancy;

(2) Combination U.S. Fancy and U.S. No. 1; and

(3) Combination U.S. No. 1 and U.S. Utility.

(b) Combinations other than these are not permitted in connection with the U.S. apple grades. When Combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See § 51.306.)

Color Requirements

§ 51.305 Color requirements.

In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.304, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this Section. All apple varieties other than those appearing in Table I shall have no color requirements pertaining to these grades. For the solid red varieties, the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color. (A) Color standards USDA Visual Aid APL–CC–1 (Plates a–e) consists of a folder containing the color requirements for apples set forth in this section and five plates illustrating minimum good shade of solid red or striped red color, minimum compensating color and shade not considered color, for the following 12 varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York. These color standards will be available for examination and purchasing information in the Fresh Products Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture South Building, Washington, D.C. 20250; in any field office of the Fresh Products Branch; or upon request of any authorized inspector of the Fresh Fruit and Vegetable Inspection Service.

TABLE I

Only the varieties listed in this table shall be required to meet a minimum color requirement. Variety	U.S. Extra Fancy Percent	U.S. Fancy Percent	U.S. No. 1 Percent
Red Delicious	66	40	25
Red Rome	66	40	25
Empire	66	40	25
Idared	66	40	25
Winesap	66	40	25
Jonathan	66	40	25
Stayman	50	33	25
McIntosh	50	33	25
Cortland	50	33	25
Rome Beauty	50	33	25
Delicious	50	33	25
York	50	33	25

[1] Variations on varietal designations listed in this table must meet or exceed those color requirements listed.

Tolerances

§ 51.306 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the grades in §§ 51.300, 51.301, 51.302, 51.303, and 51.304 the following tolerances are provided as specified:

(a) Defects. (1) U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, and U.S. No. 1 Hail grades: 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than 1 percent for apples affected by decay or internal breakdown.

(2) U.S. Utility grade. 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects, and including in the total tolerance not more than 1 percent for apples affected by decay or internal breakdown.

(b) When applying the foregoing tolerances to Combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(c) Size. When size is designated by the numerical count for a container, not more than 10 percent of packages in the lot may fail to be fairly uniform.[1] When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum, and not more than 10 percent may be larger than the designated maximum. For Red Delicious or Golden Delicious varieties only, a combination of minimum diameter and/or weight may be used. When this designation is used, an individual apple will be considered to have met the minimum size requirement even if the apple is smaller than the minimum diameter, provided it

[1] ''Fairly uniform'' means the size of the fruit within the container does not vary more than ½ inch diameter from the smallest to largest fruit.

is equal to or greater than the weight provided in Table II of this section. However, not more than 5 percent of the apples in any lot may fail to meet either the minimum diameter or minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combinations, they may only be designated according to the following table:

TABLE II

Red Delicious	Golden Delicious
2⅛ inches or 65 grams.	63 grams
2¼ inches or 75 grams.	70 grams
2⅜ inches or 84 grams.	82 grams
2½ inches or 100 grams.	95 grams
2⅝ inches or 115 grams.	109 grams
2¾ inches or 139 grams.	134 grams

Application of Tolerances

§ 51.307 Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) Packages which contain more than 10 pounds:

(1) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) [Reserved]

(b) Packages which contain 10 pounds or less:

(1) No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided,* That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

(2) [Reserved]

Methods of Sampling and Calculation of Percentages

§ 51.308 Methods of sampling and calculation of percentages.

(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than ½ inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count.

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.

Condition After Storage or Transit

§ 51.309 Condition after storage or transit.

Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

Packing Requirements

§ 51.310 Packing requirements.

(a) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight [2] or fairly well filled.[3]

(b) Closed cartons containing apples not tray or cell packed shall be fairly well filled or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(c) Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.

(d) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(e) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

Marking Requirements

§ 51.311 Marking requirements.

Variety (or varieties if more than one is packed in the container), grade, and the numerical count or minimum diameter of apples packed in a closed container shall be indicated on the container. For apple lots utilizing the combined diameter/weight designations for Red Delicious and Golden Delicious varieties, the minimum diameter and minimum weight of apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown, the minimum diameter or, in the case of Red Delicious or Golden Delicious lots where minimum diameter/weight designations have been chosen, the minimum diameter and weight as designated in Table II, shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof in the following manner: ''A'' inches or ''B'' grams, where ''A'' corresponds to one of the diameter measurements in terms of inches listed in Table II and ''B'' corresponds to the weight measurement in grams as indicated in Table II. Both diameter and weight must be shown using the word ''or'' between the given measurements.

(b) The word ''minimum,'' or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (See §§ 51.306 and 51.307.)

Definitions

§ 51.312 Mature.

''Mature'' means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) ''Hard'' means apples with a tenacious flesh and starchy flavor.

(b) ''Firm'' means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

(c) ''Firm ripe'' means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) ''Ripe'' means apples with mealy flesh and soon to become soft for the variety.

§ 51.313 Overripe.

''Overripe'' means apples which have progressed beyond the stage of ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.314 Clean.

''Clean'' means that the apples are free from excessive dirt, dust, spray residue, and other foreign material.

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[2] ''Fairly tight'' means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples, shall be not more than ¾ inch below the top edge of the carton.

[3] ''Fairly well filled'' means that the net weight of apples in containers raning from 2,100 to 2,900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

§ 51.315 Fairly well formed.

''Fairly well formed'' means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.316 Injury.

''Injury'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detract from the appearance or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as injury:

(a) Receding in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is injured by receding. Smooth net-like receding outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered, and the color of the receding shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like receding when the appearance is affected to a greater extent than the amount permitted in this paragraph.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by receding.

(d) Hail marks, drought spots, other similar depressions or scars:

(1) When the skin is broken, whether healed or unhealed;

(2) When there is appreciable discoloration of the surface;

(3) When any surface indentation exceeds one-sixteenth inch in depth;

(4) When any surface indentation exceeds one-eighth inch in diameter; or

(5) When the aggregate affected area of such spots exceeds one-half inch in diameter.

(e) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 1/8 inch in depth;

(2) 5/8 inch in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (e)(1) or (2) of this section.

(f) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 1/4 inch in diameter.

(g) Disease: (1) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(3) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(h) Insects: (1) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.

(2) Worm holes.

§ 51.317 Damage.

''Damage'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the amount permitted in this paragraph (a).

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the amount permitted in this paragraph (a).

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.

(5) Rough russeting which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions, or scars:

(1) When any unhealed mark is present;

(2) When any surface indentation exceeds one-eighth inch in depth;

(3) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(4) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than a slight degree

outside the circular area formed by the vascular bundles: *Provided,* That invisible water core shall not be scored as damage against the Fuji variety of apples under any circumstances.

(g) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 3/16 inch in depth;

(2) 7/8 inch in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (g)(1) or (2) of this section.

(h) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 1/2 inch in diameter.

(i) Disease. (1) Scab spots which affect a total area of more than one-fourth inch in diameter.

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(5) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(j) Insects. (1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(2) Worm holes.

§ 51.318 Serious damage.

''Serious damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided,* That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(2) [Reserved]

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided,* That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible water core which affects an area of more than one-half inch in diameter.

(g) Disease. (1) Scab spots which affect a total area of more than three-fourths inch in diameter.

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface.

(h) Insects. (1) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.

(2) Worm holes.

(i) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 3/8 inch in depth;

(2) 1 1/8 inches in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraph (i)(1) or (2) of this section.

(j) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 3/4 inch in diameter.

§ 51.319 Seriously deformed.

''Seriously deformed'' means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.320 Diameter.

When measuring for minimum size, ''diameter'' means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, ''diameter'' means the smallest dimension of the apple determined by passing the apple through a round opening in any position.

U.S. Condition Standards for Export

§ 51.321 U.S. Condition Standards for Export.[4]

(a) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(b) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(c) Not more than a total of 5 percent of the apples in any lot shall be affected by scald, internal breakdown, freezing injury, or decay; or damaged by bitter pit, Jonathan spot, water core[5] except that invisible water core shall not be scored as damage when these condition standards are applied to the Fuji variety of apples, or other condition factors: *Provided,* That:

(1) Not more than a total of 2 percent shall be allowed for apples affected by decay and soft scald;

(2) Not more than 2 percent shall be allowed for apples affected by internal breakdown;

(d) Container packs shall comply with packing requirements specified in § 51.310 of the United States Standards for Grades of Apples.

(e) Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified: *Provided*, That no package in any lot shall have more than double the percentages specified, except that for packages which contain 10 pounds or less, individual packages

[4] These standards may be applied to domestic shipments of apples as well as export lots, and may be referred to as ''U.S. Condition Standards.''

[5] ''Damage by water core'' means externally invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than slight degree outside the circular area formed by the vascular bundles, or any externally visible water core.

in any lot may have not more than three times the tolerance or three apples (whichever is the greater amount).

§ 51.322 Metric conversion table.

METRIC CONVERSION TABLE

Inches	Millimeters (mm)
§ 51.322 Metric conversion table. .	
1/16 equals	1.6
1/8 equals	3.2
3/16 equals	4.8
1/4 equals	6.4
3/8 equals	9.5
1/2 equals	12.7
5/8 equals	15.9
3/4 equals	19.1
7/8 equals	22.2
1 1/8 equals	28.6
2 1/8 equals	54.0
2 1/4 equals	57.2
2 3/8 equals	60.3
2 1/2 equals	63.5
2 3/4 equals	69.9
Cubic Inches	**Cubic Centimeters (cc)**
2100 equals	34,412.7
2900 equals	47,522.3
Pounds	**Grams (g)**
10 equals	4,536.0
37 equals	16,783.2
40 equals	18,144.0

Dated: March 18, 2002.

A. J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–7221 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. FHWA–2000–8056]

RIN 2125–AE80

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Termination of proposed rulemaking.

SUMMARY: This document terminates a rulemaking proceeding to revise noise regulations relating to the noise insulation of private residences. The agency undertook this action to consider allowing Federal participation in the noise insulation of private residences when a traffic noise impact occurs, i.e., when predicted traffic noise levels approach or exceed the FHWA noise abatement criteria or when the predicted traffic noise levels substantially exceed the existing noise levels. Currently, Federal participation in the noise insulation of private residences is allowable only in situations where severe traffic noise impacts exist or are expected, and normal abatement measures are physically infeasible or economically unreasonable. The agency has determined that the proposed change would establish a highly controversial funding policy and would add tremendous cost to the highway program. Accordingly, we are terminating the rulemaking proceeding and closing the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Armstrong, Office of Natural Environment, HEPN–20, (202) 366–2073, or Mr. Robert Black, Office of the Chief Counsel, HCC–30, (202) 366–1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The FHWA noise regulations were developed as a result of the Federal-Aid Highway Act of 1970 (Pub. L. 91–605, 84 Stat. 1713) and apply to projects where a State department of transportation has requested Federal funding for participation in the project. Under the FHWA noise requirements found at 23 CFR part 772, the State DOT must determine if there will be traffic noise impacts in areas adjacent to federally-aided highways when a project is proposed for the construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. Such a project is termed a ''Type I'' project. If the State DOT identifies potential traffic noise impacts, it must consider noise abatement measures and implement the measures when they are determined to be reasonable and feasible.

Federal law and the FHWA regulations do not require the State DOTs to implement noise abatement along existing highways. However, they may voluntarily initiate this type of abatement, termed a ''Type II'' project, but they are solely responsible for making this decision. Federal participation in the funding of such projects is limited to those that propose abatement measures along lands that were developed or were under substantial construction before approval of the acquisition of the right-of-way for, or construction of, the existing highway.

Noise abatement measures which may be incorporated in ''Type I'' and ''Type II'' projects include the following: (1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits and exclusive land designations); (2) alteration of horizontal and vertical alignments; (3) acquisition of property rights (either in fee or lesser interest) for construction of noise barriers; (4) construction of noise barriers (including landscaping for aesthetic purposes), whether within or outside the highway right-of-way; (5) acquisition of real property or interests therein (predominately unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise (this measure may be included in ''Type I'' projects only); and (6) noise insulation of public use or nonprofit institutional structures.

In establishing the noise regulations, the FHWA limited routine noise insulation to public use or nonprofit institutional structures in an effort to balance what is desirable from an environmental perspective with what is reasonable fiscally, i.e., balance noise reduction benefits with overall program costs. However, there may be situations where: (1) Severe traffic noise impacts exist or are expected, and (2) the abatement measures listed above are physically infeasible or economically unreasonable. In these instances, the FHWA may approve a State's request for unusual or extraordinary abatement measures on a case-by-case basis. When considering extraordinary abatement measures, the State must demonstrate that the affected activities experience traffic noise impacts to a far greater degree than other similar activities adjacent to highway facilities. For example, residential areas experience absolute noise levels of at least 75 decibels or residential areas experience noise level increases of at least 30 decibels over existing noise levels. The noise insulation of private residences is an example of an extraordinary abatement measure.

The Advance Notice of Proposed Rulemaking (ANPRM)

On December 28, 2000, the FHWA issued an ANPRM, at 65 FR 82301, to seek comment on allowing the use of

Federal funds for noise insulation of private residences as an interior noise abatement measure. Member(s) of Congress had suggested that the noise insulation of private residences be added to the listing of abatement measures, which may routinely be considered whenever a traffic noise impact occurs. Such consideration would not require the occurrence of a severe traffic noise impact. However, such consideration could require that all other measures be evaluated and be determined not to be reasonable and feasible before the noise insulation of private residences could be considered. As with all elements of highway traffic noise analysis and abatement, consideration for the noise insulation of private residences should be applied uniformly and consistently on a statewide basis.

The FHWA sought comments on the following questions:

1. Should the FHWA revise its noise regulation to allow Federal participation in the noise insulation of private residences whenever a traffic noise impact occurs, not only when a severe traffic noise impact occurs?

2. Should the FHWA revise its noise regulation to routinely allow Federal participation in the noise insulation of private residences, i.e., add it to the listing of abatement measures which may be included in ''Type I'' and ''Type II'' projects, or should Federal participation in the noise insulation of private residences be allowed only after all the other listed abatement measures have been determined not to be reasonable and feasible?

3. Should the FHWA revise its noise regulation to address the noise insulation of private residences in a manner, which is, different from that discussed in the first two questions? If so, how?

Comments Received in Response to the ANPRM

The agency received comments on the proposed revision from one member of Congress, two Federal agencies, one metropolitan planning organization, one insulation contractor, and 15 State departments of transportation (DOT).

The member of Congress supported making a regulatory change to allow private home insulation where ''conventional exterior noise barriers are found to be impractical or excessively expensive.'' This would increase a State DOT's flexibility to participate in alternative noise abatement projects and would provide noise abatement in many instances where it would not be provided under existing FHWA regulations.

The Department of Housing and Urban Development recommended a ''total, multi-modal noise package'' be considered for noise effects and mitigation.

The U.S. Environmental Protection Agency encouraged the provision of more flexibility in the use of noise insulation for private residences, i.e., noise insulation should be available for consideration in all situations.

The metropolitan planning organization supported a regulatory revision to allow greater flexibility in using Federal funds for the noise insulation of private homes.

The insulation contractor strongly supported a revision to routinely provide noise insulation.

One State department of transportation commented that the FHWA's noise regulations should be re-crafted to allow Federal participation in any reasonable and feasible noise abatement methodology, provided specific performance criteria have been satisfied.

The other 14 State DOTs voiced opposition to the proposed regulatory change, indicating the proposed regulatory change will result in the following: (1) A substantial increase in the cost and complexity of the noise abatement program (one State DOT estimated its average annual noise mitigation cost would increase from $1.9 million to $30.6 million, approximately doubling the annual expenditure for all planning, analysis, design, and construction related to all environmental disciplines); (2) a dramatic increase in the amount of time and effort invested to complete noise studies/final abatement designs, with the potential for causing significant and costly project delays; (3) inequities in the noise abatement program, since the costs associated with insulating private residences would vary greatly (this could increase the potential for discrimination complaints); (4) unnecessary additional burdens for States (since building insulation cannot be accurately modeled, its cost would have to be estimated on a house-by-house basis and its application would be far too difficult to manage in a reasonable and cost effective manner); (5) no provision of benefits for the exterior areas of residences; (6) legal concerns related to maintenance of the home insulation and the consideration of future homeowner remodeling/changes; (7) a tremendous administrative burden, since extensive, comprehensive contractual agreements would be required among all involved parties, e.g., State DOTs, consultants, contractors, local government officials, and homeowners, to minimize the possibility of litigation; and (8) unnecessary complications of a noise abatement program that has been easily understood and accepted by the public for an extended period of time. The same 14 State DOTs indicated that the current regulatory guidance is adequate and appropriate and that the noise insulation of private residences should remain a ''technique of last resort.''

Analysis

The agency proposal considered allowing Federal participation in the routine noise insulation of private residences whenever a traffic noise impact occurs. After review of the comments submitted in response to that proposal, it has become apparent that, while increasing the flexibility in providing noise abatement, routinely allowing Federal participation in the noise insulation of private residences would place an unacceptable additional burden on State DOTs and add an unacceptably high cost to the Federal-aid highway program that was not previously anticipated. The additional burden to States would include a tremendous increase in the resources needed to address the administrative, legal, and technical elements of providing noise abatement in private residences. The fifteen-fold increase in annual noise abatement costs estimated by one State DOT is an example of the unacceptable increase in Federal-aid highway program costs.

Conclusion

For the reasons stated above, the FHWA is terminating this rulemaking action and closing the docket.

Authority: 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331, 4332; and 49 CFR 1.48(b).

Issued on: March 18, 2002.

Mary E. Peters,

Federal Highway Administrator.

[FR Doc. 02–7165 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 21

RIN 1076–AD98

Arrangement With States, Territories, or Other Agencies for Relief of Distress and Social Welfare of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) proposes to remove regulations on Arrangement with States, Territories, or other agencies for relief of distress and social welfare of Indians. The program governed by this rule is now administered under regulations in Contracts under the Indian Self-Determination and Education Assistance Act. Eliminating this rule will remove any confusion regarding the process for providing certain social services to the tribes.

DATES: Written comments must be submitted on or before May 28, 2002.

ADDRESSES: You may submit your comments on the proposed rule by mail or by hand-delivery to Larry Blair, Chief, Human Services Division, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS–4660–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Larry Blair at (202) 208–2479.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 9. The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs under Part 209 Departmental Manual, Chapter 8.1A, and by memorandum dated January 25, 1994, from Chief of Staff, Department of Interior, to Assistant Secretaries and Heads of Bureaus and Offices.

Background

A proposed rule was published in the **Federal Register** on July 1, 1996 (61 FR 33876), to revise the existing regulation in order to improve its clarity and understanding to the public through the use of Plain English. No comments were received on the July 1, 1996, publication. Due to questions raised by the Solicitor's Office on the impact that this proposed rule could have on the Office of Indian Education Programs, the rule was not finalized. Also, 25 CFR part 21 is no longer necessary because this program now falls under the regulations in 25 CFR part 900, which implement the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203, 25 U.S.C. 450 *et seq.*, as amended). We therefore propose the removal of this part to clarify that tribal governments have total responsibility for operating social service programs.

Finally, this rule has never been used by the Office of Tribal Services, and used only once by the Office of Indian Education Programs. It has never been funded as a viable program.

Regulatory Planning and Review (Executive Order 12866)

This rule was reviewed by the Office of Management and Budget, and determined not to be a significant regulatory action under Executive Order 12866. This rule has not had an effect of $100 million or more on the economy, nor has it adversely or materially affected the economy, productivity, competition, jobs, the environment, public health or safety, of State, local, or tribal governments or communities. The removal of this rule will also not create any serious inconsistency or otherwise interfere with an action taken or planned by another agency. The removal of this rule removes the apparent inconsistency with the Self-Determination and Education Assistance Act, as amended. This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or rights or obligations of their recipients. 25 CFR part 21 deals with the negotiation, execution and planning of social service contracts yet, it has never been funded or used by the social services programs. This rule does not raise novel legal or policy issues because it has been replaced by a law more responsive to the needs of the tribes.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule involves the negotiation, execution and planning of social service contracts, between the Federal Government and State or local governments, and does not have an effect upon the regulation of small business, organizations or grant jurisdiction over small governments. State and local governments will not be negatively impacted with the elimination of this rule because it has never been funded. They also are free to apply for grants under the Johnson-O'Malley Act providing no tribe or tribal entities are interested in applying.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804 (2), the Small Business Regulatory Enforcement Fairness Act. This rule provides guidance for social services contracting and has no effect on the costs or prices in local communities. This rule does not have significant adverse effect on competition, employment, investments, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises. This rule does not affect local enterprises and has never been used for operation of social service programs under this part.

Unfunded Mandates Act of 1995

This rule imposes no unfunded mandates on any State, local, or tribal government or private entities and is in compliance with the provisions of the Unfunded Mandates Act of 1995. This rule, if funded and used, would provide the funds needed in the contract to perform the services.

Takings (Executive Order 12630)

The Department has determined that this rule does not have significant ''takings'' implications, or pertain to ''taking'' of private property interests, nor does it affect private property.

This rule involves the negotiation, execution and planning of social service contracts, and does not deal with private property, or trusts. This rule does not affect property rights protected by the Constitution and does not pose a risk of compensable taking.

Federalism (Executive Order 12612)

The Department has determined that this rule does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and does not meet the requirements of section 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

This rule has been examined under the Paper Reduction Act of 1995. Information collection was necessary for 25 CFR part 21 to identify how contract funds were to be used, and to measure contractors' performance and plans for future performance. Since its inception, 25 CFR part 21 has never been used by the social service program, and thus the information collections approved for contract funding or performances were allowed to expire, unused.

National Environment Policy Act

The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Consultation and Coordination with Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Public Comment Solicitation

If you wish to comment on this rule, you may send your comments by mail or hand-deliver them to the person listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names and home addresses of respondents available for public review during regular business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m. EST, excluding Federal holidays. Individual respondents may request that we withhold their home address from the rulemaking record. We will honor the request to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or business, available for public inspection in their entirety.

List of Subjects in 25 CFR Part 21

Indians, Indian-welfare contracts.

For the reasons stated in the preamble and under the authority of 25 U.S.C. 9, the Bureau of Indian Affairs proposes to remove 25 CFR part 21 from Chapter I of Title 25 of the Code of Federal Regulations.

Dated: March 14, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–7208 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–02–004]

RIN 2115–AE46

Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent special local regulations for the St. Mary's Seahawk Sprint, a marine event held on the waters of the St. Mary's River, St. Mary's City, Maryland. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the St. Mary's River during the event.

DATES: Comments and related material must reach the Coast Guard on or before June 24, 2002.

ADDRESSES: You may mail comments and related material to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398–6203. The Operations Oversight Branch, Auxiliary and Recreational Boating Safety Section, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–02–004), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

St. Mary's College of Maryland annually sponsors the St. Mary's Seahawk Sprint, a rowing regatta conducted during the second weekend in April. The St. Mary's Seahawk Sprint consists of intercollegiate crew rowing teams racing along a 2000-meter course on the waters of the St. Mary's River. A fleet of spectator vessels traditionally gathers near the event site to view the competition. To provide for the safety of event participants, spectators and transiting vessels, the Coast Guard proposes to restrict vessel movement in the event area during the crew races.

Discussion of Proposed Rule

The Coast Guard proposes to establish a permanent regulated area on specified waters of the St. Mary's River. The proposed special local regulations will be in effect annually from 7 a.m. to 4 p.m. on the second Saturday in April. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. The Patrol Commander will allow non-participating vessels to transit the regulated area between races, when it is safe to do so. The proposed regulated area is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not

significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this proposed regulation will prevent traffic from transiting a portion of the St. Mary's River during the event, the effect of this proposed regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, would not have a significant economic impact on a substantial number of small entities. Although this proposed regulation will prevent traffic from transiting a portion of the St. Mary's River during the event, the effect of this proposed regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

If you think that your business, organization or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State law or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial and direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraphs (34)(h) and (35)(a) of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit for an event not located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government, are specifically excluded from further analysis and documentation under those sections. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. 100.527 is added to read as follows:

§ 100.527 St. Mary's River, St. Mary's City, Maryland.

(a) Definitions:

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Regulated Area.* The regulated area includes all waters of the St. Mary's River, from shoreline to shoreline, bounded to the south by a line at latitude 38°10′05″ North, and bounded to the north by a line at latitude 38°12′00 ″ North, All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign; and

(ii) Proceed as directed by any Official Patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective Dates.* This section is effective annually from 7 a.m. to 4 p.m. on the second Saturday in April.

Dated: March 13, 2002.

L. Mizell,

Captain, Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 02–7233 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–008]

RIN 2115–AE47

Drawbridge Operation Regulations; Oklawaha River, Marion County, FLa

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations governing the operation of the Muclan Farms swingbridge across the Oklawaha River, mile 63.9, Marion County, Florida by allowing the span to remain permanently in the closed position. The bridge has not received a request for an opening since 1998. This action should accommodate the needs of the bridgeowner and provide for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before May 28, 2002.

ADDRESSES: You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Ave, Room 406, Miami, FL 33131. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, are part of [CGD07–02–008] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 406, Miami, FL 33131 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Bridge Branch, 909 S.E. 1st Ave Miami, FL 33130 Coast Guard, telephone number 305–415–6743.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07–02–008], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Muclan Farms swingbridge is located in a rural section of Marion County. The current regulations in 33 CFR 117.319 require the swingbridge to open if 3 hours advance notice is given to the St. Johns River Water Management District. The Water Management District has not received any requests for an opening since 1998. The Water Management District requested the Coast Guard change the current regulation to allow the bridge to remain closed. The Water Management District is currently negotiating a contract to repair the swingbridge. If the swingbridge is allowed to remain closed, moveable parts may not need to be repaired and the repair costs will decrease. There are obstructions in the waterway and the waterway is not being maintained for navigation.

Discussion of Proposed Rule

The Coast Guard proposes to create a permanent rule allowing the Muclan Farms swingbridge to permanently remain closed. The reference to the Muclan Farms swingbridge in the current regulation at 33 CFR 117.319(a) would be deleted. A new subparagraph at 33 CFR 117.39(c) would be created for the Muclan Farms swingbridge regulation. We will reconsider this proposed rule if navigation on the River resumes.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not

''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because there have been no bridge openings since 1998.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because there have been no bridge openings since 1998. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions, please consult the person listed under: **FOR FURTHER INFORMATION CONTACT.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 117

Bridges

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.319, revise paragraph (a) and add paragraph (c) to read as follows:

§ 117.319 Oklawaha River.

(a) The draw of the Sharpes Ferry (SR 40) bridge, mile 55.1, shall open on signal if at least three hours notice is given.

(b) * * *

(c) The draw of the Muclan Farms bridge, mile 63.9, need not open for the passage of vessels.

Dated: March 11, 2002.

John E. Crowley, Jr.,

Captain, Coast Guard, Acting Commander Seventh Coast Guard District.

[FR Doc. 02–7229 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 175

[USCG–2001–10163]

RIN 2115–AG18

Federal Requirements For Propeller Injury Avoidance Measures

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Coast Guard is reopening the period for public comment concerning federal requirements for propeller injury avoidance measures. The president of the National Association of State Boating Law Administrators (NASBLA) asked that we reopen the comment period, which ended March 11, 2002, so its Committee could discuss the proposed rule at its meeting in April 2002 and so NASBLA could submit a comment to the docket. We are reopening the period until May 11, 2002, so that NASBLA and other interested persons can submit comments.

DATES: Comments must reach the docket on or before May 11, 2002.

ADDRESSES: Identify your comments and related material by the docket number for this rulemaking [USCG–2001–10163]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U. S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand-delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Internet Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, at the address listed above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.* You may obtain a copy of this notice by calling the Infoline of the U. S. Coast Guard at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Carlton Perry, Project Manager, Office of Boating Safety, U. S. Coast Guard, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil.* For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled ''Federal Requirements For Propeller Injury Avoidance Measures'' on December 10, 2001 [66 FR 63645]. That document also contains a detailed history of the Coast Guard's previous regulatory efforts in the area of propeller injury prevention.

Reason for Reopening the Comment Period

In response to the notice of proposed rulemaking, we received more than 70 comments, including a request from the President of NASBLA to extend the comment period beyond April 15, 2002, to enable the Boats & Associated Equipment Committee of NASBLA to review the proposal at its meeting and allow NASBLA to submit a comment to the docket. We are reopening the comment period until May 11, 2002, to let the committee discuss the proposed rulemaking at their meeting and for NASBLA to submit a comment to the docket. During this time, we will also accept comments from any other interested party. The Coast Guard requests that you not re-submit comments already in the docket.

Request for Comments

We encourage you to participate in this rulemaking by submitting your comments to the Docket Management Facility as specified in **ADDRESSES**. We will consider comments received during this reopened comment period and may change the proposed rule in response to the comments.

Dated: March 16, 2002.

Kenneth T. Venuto,

Rear Admiral, Coast Guard, Director of Operations Policy.

[FR Doc. 02–7230 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2520, 2521, 2522, 2524, 2525, 2526, 2528, and 2550

RIN 3045–AA32

AmeriCorps Grant Regulations

AGENCY: Corporation for National and Community Service.

ACTION: Proposed rule.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') proposes to amend several provisions relating to the AmeriCorps national service program, including requirements for AmeriCorps grants and rules on how AmeriCorps members may use the AmeriCorps education award.

DATES: Written comments should be received on or before May 28, 2002.

ADDRESSES: Comments may be mailed or delivered to Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, 1201 New York Avenue NW, Washington, DC 20525, sent by facsimile transmission to (202) 565–2784, or sent electronically to *gkowalcz@cns.gov.* Copies of all communications received will be available for review at the Corporation by members of the public.

FOR FURTHER INFORMATION CONTACT: Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, (202) 606–5000, ext. 340. T.D.D. (202) 565–2799. This proposed rule may be requested in an alternative format for persons with visual impairments.

SUPPLEMENTARY INFORMATION: Pursuant to the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 *et seq.*), the Corporation makes grants to support service performed by AmeriCorps members. In addition, the Corporation, through the National Service Trust, provides education awards and certain interest payments to AmeriCorps participants who successfully complete a term of service in an approved national service position.

The proposed rule reflects our efforts to eliminate requirements that are unnecessary and burdensome as well as

to conform our regulations to changes in law. Consistent with Executive Order 13198, entitled ''Agency Responsibilities with respect to Religious and Community Initiatives,'' and issued on January 29, 2001, the Corporation has identified several AmeriCorps regulations that may impede effective religious and other community efforts to solve social problems. To this end, we also sought input from an April 2001 focus group of representatives from sixteen religious and small community-based organizations on how we could remove barriers to their participation. While some of the ideas suggested by the group would require statutory amendments, other ideas concern regulatory items that are not dictated by statute. In addition, we identified several changes to regulations that reflect recent changes in statute or that otherwise will promote the efficiency of national service programs.

The proposed rule:

1. Provides flexibility in the types of AmeriCorps member activities authorized in connection with disaster relief, homeland defense, or other compelling community needs.

2. Explicitly recognizes that religious organizations are eligible to receive AmeriCorps grants.

3. Eliminates the ''six month rule'' as a requirement for grantees.

4. Expands the types of educational expenses that may be paid with the education award.

5. Modifies the education award refund rules in the event a member does not complete a period of enrollment at an institution of higher education.

6. Provides that an AmeriCorps member's declaration under penalty of law may constitute sufficient documentation of that individual's attainment of a high school degree for purposes of enrolling as an AmeriCorps member and using the education award.

7. Modifies and strengthens the requirements relating to prohibited activities and clarifies that these requirements apply only to AmeriCorps programs funded under subtitle C of the National and Community Service Act.

8. Eliminates obsolete references to Palau.

9. Amends the regulations in conformance with the National and Community Service Act of 1990, as amended, to recognize that a Territory that establishes a state commission is eligible to apply for administrative grant funds to support the activities of the state commission.

10. Amends the definition of ''Institution of Higher Education'' to conform with the Higher Education Amendments of 1998.

Flexibility in Types of AmeriCorps Activities

The proposed rule broadens the circumstances under which AmeriCorps members may engage in activities that provide an indirect benefit to their community. The Corporation may approve such activities with respect to disaster relief, homeland defense, and other compelling community needs.

Eligibility of Religious Organizations for AmeriCorps Grants

The proposed rule inserts references to religious organizations in several lists of types of organizations eligible to apply for AmeriCorps grants. This affirms that religious organizations are eligible on the same basis as any other private nonprofit organization to apply for AmeriCorps grants and operate AmeriCorps programs.

Elimination of ''Six Month Rule''

The proposed rule eliminates a requirement under which grantees could not select any prospective AmeriCorps member who is or was previously employed by a prospective project sponsor within six months of the member's enrollment in the program. Our experience has shown this requirement to be burdensome for grantees. We believe that there are more effective and efficient ways to ensure that grantees are complying with rules against displacement, without imposing a blanket ''six month rule.'' By continuing to require grantees to show how a proposed project will address unmet needs and by enforcing existing rules against displacement, the Corporation can ensure that any former employees enrolled as AmeriCorps member will perform service that goes well beyond—in both degree and kind—their former job duties.

Use of Education Award for Educational Courses Offered by Title IV Institutions of Higher Education

AmeriCorps members may use their education award to pay ''current educational expenses'' at institutions of higher education that have entered into program participation agreements with the U.S. Department of Education under Title IV of the Higher Education Act (HEA). In 1999, by regulation, we limited such expenses to those recognized in the ''cost of attendance'' definition under Title IV. As a result, AmeriCorps members pursuing educational interests outside a Title IV eligible program were precluded from using their education award for their educational expenses.

We revisited this rule based on input from AmeriCorps members who want to use the education award to pay for continuing education and other non-Title IV eligible courses at Title IV institutions of higher education. We have concluded that section 148 of the National and Community Service Act (42 U.S.C. 12604), while tying the payment of current educational expenses to Title IV institutions of higher education, can be read to allow payment of educational expenses outside the definition of ''cost of attendance.'' Such a reading will also advance the national service legislation's purpose of including all Americans, since older participants or participants with disabilities might be more likely to pursue educational opportunities outside degree-granting courses of study. This proposed rule allows the education award to be used to pay (1) the cost of attendance as currently permitted for individuals in Title IV eligible programs; and (2) other educational expenses attributable to courses offered by Title IV institutions of higher education. There is no change to the requirement, based in statute, that expenses be ''current,'' that is, incurred after an individual enrolls in an AmeriCorps position.

Refunds to the National Service Trust

The current rule derives from the requirement in the NCSA that the Corporation provide, by regulation, for the refund to the Corporation of education awards disbursed to institutions of higher education, in the event that the student eligible for the education award withdraws or otherwise fails to complete the period of enrollment. The NCSA required the Corporation's refund regulations to be consistent with the fair and equitable refund policies required under section 484B of the HEA. That section of the HEA was amended in 1998 and now only applies to refunds of title IV funds. Consequently, the Corporation is amending its regulations to provide that refunds of the education award to the Corporation will be made consistent with each institution of higher education's published refund policy, or in the absence of such a published policy, on a pro-rata basis.

Declaration Sufficient Documentation of Member's Attainment of High School Diploma

To enroll in AmeriCorps, an individual must have obtained a high school diploma (or its equivalent) or agree to do so prior to using the

education award. Additionally, to use an education award, an individual must have obtained a high school diploma (or its equivalent). Because the education award is principally designed for use in connection with attending an institution of higher education, and high school attainment is normally a prerequisite for such attendance, the proposed rule provides that an individual's written declaration under penalty of law is sufficient to establish this element of eligibility without additional documentation.

Clarification of Statutory List of Prohibited Activities

We first issued regulations in Part 2520 regarding prohibited activities in 1994 when virtually all AmeriCorps grants activities were conducted under subtitle C of the National and Community Service Act. Since 1994, we initiated several AmeriCorps programs, including the AmeriCorps Education Awards program and the AmeriCorps Promise Fellows program, under demonstration authority in subtitle H of the National and Community Service Act. We also added in sub-regulatory provisions several items to the statutory list of prohibited activities. The proposed rule strengthens the list of prohibited activities by including these additions, and clarifies that requirements relating to prohibited activities in subtitle C of the Act apply only to grant programs funded under subtitle C. Demonstration AmeriCorps grants programs continue to be governed by the general administrative provisions, including restrictions on activities, in Part 2540.

Elimination of Obsolete References to Palau

The proposed rule eliminates references to Palau, which became independent on October 1, 1994 and is no longer eligible as a U.S. Territory for AmeriCorps grants.

Eligibility of Territories for Administrative Funds

Under the National and Community Service Act of 1990, as amended, (NCSA), states, including territories, are eligible to apply for grants to establish and operate a state commission or alternative administrative entity. 42 U.S.C. 12576. Currently, however, 45 CFR § 2550 does not recognize that territories are eligible to apply for grants to support a state commission or alternative administrative entity. We are amending the regulations to include territories as entities eligible to apply for grants under this section, in order to comply with the NCSA.

Definition of Institution of Higher Education

The Higher Education Amendments of 1998 (Pub. L. 105–244) amended the National and Community Service Act of 1990, as amended by changing the reference to the definition of ''Institution of Higher Education'' from section 1201(a) of the Higher Education Act, to section 101 of the Higher Education Act. We have amended the regulations to conform with this statutory amendment.

Executive Order 12866

The Corporation has determined that this regulatory action is not a ''significant'' rule within the meaning of Executive Order 12866 because it is not likely to result in: (1) An annual effect on the economy of $100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

The Corporation has determined that this regulatory action will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Other Impact Analyses

Because the proposed changes do not authorize any information collection activity outside the scope of existing regulations, this regulatory action is not subject to review and approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3500 *et seq.*). If the Corporation proposes to modify any of the forms used in connection with determining eligibility of individuals for payments from the National Service Trust, the Corporation will comply with clearance procedures as provided under the Paperwork Reduction Act.

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding $100 million on the private sector.

List of Subjects

45 CFR Part 2510

Grant programs-social programs, Volunteers.

45 CFR Part 2520

Grant programs-social programs, Volunteers.

45 CFR Part 2521

Grant programs-social programs, Volunteers.

45 CFR Part 2522

Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2524

Grant programs-social programs, Technical assistance, Volunteers.

45 CFR Part 2525

Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2526

Education, Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2528

Education, Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2550

Administrative practice and procedure, Grant programs-social programs.

For the reasons stated in the preamble, the Corporation for National and Community Service proposes to amend chapter XXV, title 45 of the Code of Federal Regulations as follows:

PART 2510—OVERALL PURPOSES AND DEFINITIONS

1. The authority citation for part 2510 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2510.20 by revising the definition of ''Institution of Higher Education,'' and by adding the definition ''Subtitle C Program'' after the definition ''Subdivision of a State'' to read as follows:

§ 2510.20 Definitions

* * * * *

Institution of higher Education. The term *institution of higher education* has the same meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

* * * * *

Subtitle C Program. The term *subtitle C program* means an AmeriCorps program authorized and funded under subtitle C of the National and Community Service Act of 1990, as amended. (NCSA) (42 U.S.C. 12501 *et seq.*) It does not include demonstration programs, or other AmeriCorps programs, funded under subtitle H of the NCSA.

* * * * *

PART 2520—GENERAL PROVISIONS: AMERICORPS SUBTITLE C PROGRAMS

1. The authority citation for part 2520 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Revise the heading of part 2520 to read as shown above.

3. Revise § 2520.10 to read as follows:

§ 2520.10 What is the purpose of the AmeriCorps subtitle C program described in parts 2520 through 2524 of this chapter?

The purpose of the AmeriCorps subtitle C program is to provide financial assistance under subtitle C of the National and Community Service Act to support AmeriCorps programs that address educational, public safety, human, or environmental needs through national and community service, and to provide AmeriCorps education awards to participants in such programs.

4. Revise § 2520.20 to read as follows:

§ 2520.20 What types of service activities are allowed for AmeriCorps subtitle C programs supported under parts 2520 through 2524 of this chapter?

(a) Except as provided in paragraph (b) of this section, the service must either provide a direct benefit to the community where it is performed, or involve the supervision of participants or volunteers whose service provides a direct benefit to the community where it is performed. Moreover, the approved AmeriCorps activities must result in a specific identifiable service or improvement that otherwise would not be provided and that does not duplicate the routine functions of workers or displace paid employees. Programs must develop service opportunities that are appropriate to the skill levels of participants and that provide a demonstrable, identifiable benefit that the community values.

(b) In certain circumstances, some activities may not provide a direct benefit to the communities in which the service is performed. Such activities may include, but are not limited to, clerical work and research. However, a participant may engage in such activities only if the performance of the activity is incidental to the program's provision of service that does provide a direct benefit to the community in which the service is performed, or if the Corporation approves such activities in connection with disaster relief, homeland defense, or other compelling community needs.

5. Revise § 2520.30 to read as follows:

§ 2520.30 What activities are prohibited in AmeriCorps subtitle C programs?

While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities associated with the AmeriCorps program or the Corporation, staff and members may not engage in the following activities—

(a) Attempting to influence legislation;

(b) Organizing or engaging in protests, petitions, boycotts, or strikes;

(c) Assisting, promoting, or deterring union organizing;

(d) Impairing existing contracts for services or collective bargaining agreements;

(e) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;

(f) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;

(g) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;

(h) Providing a direct benefit to—

(1) A business organized for profit;

(2) A labor union;

(3) A partisan political organization;

(4) A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(5) An organization engaged in the religious activities described in paragraph (g) of this section, unless Corporation assistance is not used to support those religious activities; and

(i) Such other activities as the Corporation may prohibit.

PART 2521—ELIGIBLE AMERICORPS SUBTITLE C PROGRAM APPLICANTS AND TYPES OF GRANTS AVAILABLE FOR AWARD

1. The authority citation for part 2521 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Revise the heading of part 2521 to read as shown above.

3. Amend § 2521.10 by revising the heading and paragraph (a) to read as follows:

§ 2521.10 Who may apply to receive an AmeriCorps subtitle C grant?

(a) States (including Territories), subdivisions of States, Indian tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education are eligible to apply for AmeriCorps subtitle C grants. However, the fifty States, the District of Columbia and Puerto Rico must first receive Corporation authorization for the use of a State Commission or alternative administrative or transitional entity pursuant to part 2550 of this chapter in order to be eligible.

* * * * *

4. Amend § 2521.20 as follows:

a. By revising the heading, paragraph (a)(2)(ii) and the first sentence of paragraph (b)(2)(ii);

b. Removing paragraph (c); and

c. Redesignating paragraphs (d) and (e) as (c) and (d) respectively.

The revisions read as follows:

§ 2521.20 What types of AmeriCorps subtitle C program grants are available for award?

* * * * *

(a) * * *

(2) * * *

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education

may apply either to a State or directly to the Corporation for planning grants.
* * * * *

(b) * * *

(2) * * *

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for operational grants. * * *
* * * * *

5.Amend § 2521.30 by revising the heading, the introductory text, paragraph (b)(1), footnote 1, and the first sentence of paragraph (b)(3) to read as follows:

§ 2521.30 How will AmeriCorps subtitle C program grants be awarded?

In any fiscal year, the Corporation will award AmeriCorps subtitle C program grants as follows:
* * * * *

(b) * * *

(1) One percent of available funds will be distributed to the U.S. Territories [1] that have applications approved by the Corporation according to a population-based formula.[2]
* * * * *

(3) The Corporation will use any funds available under this part remaining after the award of the grants described in paragraphs (a) and (b) (1) and (2) of this section to make direct competitive grants to subdivisions of States, Indian tribes, public or private nonprofit organizations (including religious organizations and labor organizations), institutions of higher education, and Federal agencies. * * *
* * * * *

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

1. The authority citation for part 2522 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2522.100 by revising the heading and the first sentence of the introductory text, and removing the last sentence of paragraph (g)(1) to read as follows:

§ 2522.100 What are the minimum requirements that AmeriCorps subtitle C grantees must meet?

Although a wide range of programs may be eligible to apply for and receive support from the Corporation, all AmeriCorps subtitle C programs must meet certain minimum program requirements. * * *
* * * * *

3. Amend § 2522.200 by redesignating paragraphs (b) through (d) as (c) through (e) respectively, adding a new paragraph (b), and revising the heading of the newly redesignated (e) to read as follows:

§ 2522.200 What are the eligibility requirements for an AmeriCorps participant?

* * * * *

(b) Written declaration regarding high school diploma sufficient for enrollment. For purposes of enrollment, if an individual provides a written declaration under penalty of law that he or she meets the requirements in paragraph (a) of this section relating to high school education, a program need not obtain additional documentation of that fact.
* * * * *

(e) Secondary documentation of citizenship or immigration status. * * *
* * * * *

PART 2524—AMERICORPS TECHNICAL ASSISTANCE AND OTHER SPECIAL GRANTS

1. The authority citation for part 2524 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2524.10 by revising paragraph (a) introductory text to read as follows:

§ 2524.10 For what purposes will technical assistance and training funds be made available?

(a) To the extent appropriate and necessary, the Corporation may make technical assistance available to States, Indian tribes, labor organizations, religious organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities eligible to apply for assistance under parts 2521 and 2522 of this chapter that desire—
* * * * *

PART 2525—NATIONAL SERVICE TRUST: PURPOSE AND DEFINITIONS

1. The authority citation for part 2525 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

2. Amend § 2525.20 by revising the definition ''Current educational expenses'' and by adding the definitions ''Educational Expenses'' after the definition of ''Education Award'' and ''Period of Enrollment'' after the definition of ''Institution of Higher Education'' to read as follows:

§ 2525.20 Definitions.

* * * * *

Current educational expenses. The term *current educational expenses* means the cost of attendance, or other costs attributable to an educational course offered by an institution of higher education that has in effect a program participation agreement under Title IV of the Higher Education Act, for a period of enrollment that begins after an individual enrolls in an approved national service position.
* * * * *

Educational expenses at a Title IV institution of higher education. The term *educational expenses* means—

(1) Cost of attendance as determined by the institution, or

(2) Other costs attributable to a non-title IV educational course as follows:

(i) Tuition and fees normally assessed a student for a course or program of study by the institution, including costs for rental or purchase of any books or supplies required of all students in the same course of study;

(ii) For a student engaged in a course of study by correspondence, only tuition and fees and, if required, books, and supplies;

(iii) For a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies; and

(iv) For a student engaged in a work experience under a cooperative education program or course, an allowance for reasonable costs associated with such employment (as determined by the institution).
* * * * *

Period of Enrollment. Period of enrollment means the period that the title IV institution has established for which institutional charges are generally assessed (i.e., length of the student's course, program, or academic year.)
* * * * *

PART 2526—ELIGIBILITY FOR AN EDUCATION AWARD

1. The authority citation for part 2526 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

[1] The United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[2] The amount allotted as a grant to each such territory or possession is equal to the ratio of each such Territory's population to the population of all such territories multiplied by the amount of the one percent set-aside.

2. Amend § 2526.10 by redesignating paragraphs (c) and (d) as paragraphs (d) and (e) respectively, and adding a new paragraph (c) to read as follows:

§ 2526.10 Who is eligible to receive an education award from the National Service Trust?

* * * * *

(c) *Written declaration regarding high school diploma sufficient for disbursement.* For purposes of disbursing an education award, if an individual provides a written declaration under penalty of law that he or she meets the requirements in paragraph (b) of this section relating to high school education, no additional documentation is needed.

* * * * *

PART 2528—USING AN EDUCATION AWARD

1. The authority citation for part 2528 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

2. Amend § 2528.10 by revising paragraph (a)(2) to read as follows:

§ 2528.10 For what purposes may an education award be used?

(a) * * *

(2) To pay all or part of the current educational expenses at an institution of higher education in accordance with § 2528.30 through § 2528.50;

* * * * *

3. Amend § 2528.30 by revising the heading, paragraph (a), introductory text, and paragraphs (a)(2)(iii), (iv), and (v) to read as follows:

§ 2528.30 What steps are necessary to use an education award to pay all or part of the current educational expenses at an institution of higher education?

(a) *Required information.* Before disbursing an amount from an education award to pay all or part of the current educational expenses at an institution of higher education, the Corporation must receive—

* * * * *

(2) * * *

(iii) If an individual who has used an education award withdraws or otherwise fails to complete the period of enrollment for which the education award was provided, the institution of higher education will ensure an appropriate refund to the Corporation of the unused portion of the education award under its own published refund policy, or if it does not have one, provide a pro-rata refund to the Corporation of the unused portion of the education award;

(iv) Individuals using education awards to pay for the current educational expenses at that institution do not comprise more than 15 percent of the institution's total student population;

(v) The amount requested will be used to pay all or part of the individual's cost of attendance or other educational expenses attributable to a course offered by the institution;

* * * * *

4. Amend § 2528.50 by revising paragraph (a) to read as follows:

§ 2528.50 What happens if an individual withdraws or fails to complete the period of enrollment in an institution of higher education for which the Corporation has disbursed all or part of that individual's education award?

(a)(1) If an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete a period of enrollment, an institution of higher education that receives a disbursement of education award funds from the Corporation must provide a refund to the Corporation in an amount determined under that institution's published refund requirements.

(2) If an institution for higher education does not have a published refund policy, the institution must provide a pro-rata refund to the Corporation of the unused portion of the education award.

* * * * *

5. Amend § 2528.60 by revising paragraph (a)(2)(iii) to read as follows:

§ 2528.60 What steps are necessary to use an education award to pay expenses incurred in participating in an approved school-to-work program?

(a) * * *

(2) * * *

(iii) If an individual who has used an education award withdraws or otherwise fails to complete the period of enrollment for which the education award was provided, the school-to-work program will ensure an appropriate refund to the Corporation of the unused portion of the education award under its own published refund policy, or if it does not have one, provide a pro-rata refund to the Corporation of the unused portion of the education award;

* * * * *

6. Amend § 2528.70 by revising paragraph (a) to read as follows:

§ 2528.70 What happens if an individual withdraws or fails to complete the period of enrollment in an approved school-to-work program for which the Corporation has disbursed all or part of that individual's education award?

(a)(1) If an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete a period of enrollment, an approved school-to-work program that receives a disbursement of education award funds from the Corporation must provide a refund to the Corporation determined under that program's published refund policy.

(2) If a school-to-work program does not have a published refund policy, the program must provide a pro-rata refund to the Corporation of the unused portion of the education award.

* * * * *

PART 2550—REQUIREMENTS AND GENERAL PROVISION FOR STATE COMMISSIONS, ALTERNATIVE ADMINISTRATIVE ENTITIES AND TRANSITIONAL ENTITIES

1. The authority citation for part 2550 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend section 2550.10 by revising the first sentence of paragraph (c) to read as follows:

§ 2550.10 What is the purpose of this part?

* * * * *

(c) The Corporation will distribute grants of between $125,000 and $750,000 to States to cover the Federal share of operating the State Commissions, AAEs, or Transitional Entities. * * *

3. Amend § 2550.20 by revising paragraph (k) to read as follows:

§ 2550.20 Definitions.

* * * * *

(k) State. As used in this part, the term State refers to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

* * * * *

Dated: March 13, 2002.

Gary Kowalczyk,

Director of Planning and Program Integration.

[FR Doc. 02–6604 Filed 3–25–02; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 030502B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Atlantic Coastal Fisheries Cooperative Management; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the American lobster (lobster) fishery under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator has made a preliminary decision to issue EFPs that would allow up to 100 current federally permitted lobster and/or Maine lobster/crab license holders to conduct fishing operations otherwise restricted by the regulations governing the lobster fishery. EFPs would allow federally permitted and/or state-only lobster/crab licensed vessels to fish modified lobster traps to target Jonah crabs to collect important fishery and biological data on the sustainability and practicality of a directed Jonah crab fishery in Exclusive Economic Zone (EEZ) Nearshore Management Area 1 (ENMA1).

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before April 10, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile (fax) to (978) 281–9135. Copies of the proposal and the draft Environmental Assessment are available from the Northeast Regional Office at the address stated above.

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Policy Analyst, 978–281–9244.

SUPPLEMENTARY INFORMATION: The Maine Division of Marine Resources (MEDMR) submitted an original application on December 6, 2000, for EFPs to conduct an experimental fishery for Jonah crab in Federal waters of the EEZ. Subsequent amendments to this application were dated April 30, 2001; May 29, 2001; July 9, 2001; and February 13, 2002. Revisions to the original application included: (1) Scaling back the fishery from unlimited participation to 100 participants; (2) an Environmental Assessment was prepared to describe the impacts attributable to the experimental fishery beyond those analyzed under the Draft Final Environmental Impact Statement prepared for the lobster fishery regulations under ACFCMA; (3) addition/removal of gear restrictions to comply with Atlantic Large Whale Take Reduction Plan (ALWTRP) requirements; (4) addition of socioeconomic data to the logbook; (5) addition of a one-time demographic and ethnographic profile survey and fixed-cost survey; (6) reduced minimum soak times to 10 days from 2 weeks and then later changed soak time to a maximum of 2 weeks (operational soak times of less than 1 week); (7) added a requirement that participants pass Level 1 training in identification and disentanglement of whales and sea turtles; (8) clarified that both Jonah crab buoys and Jonah crab traps would be clearly marked as ''CRAB''; (9) requested that state-only licensed vessels be allowed to participate in the Federal portion of ENMA1; and (10) specified that the 40 percent ''exploratory'' (i.e., not yet field tested for targeting Jonah crabs) traps would be of a top-entry design instead of the previous proposal to have the design be at the discretion of the participant. In addition, a January 30, 2002, memorandum clarified that the submission dated December 5, 2001, will be considered a Memorandum of Understanding concerning the Reasonable and Prudent Alternatives outlined in the draft Biological Opinion for the Jonah crab experimental fishery.

The Jonah crab, *Cancer borealis*, is currently an unregulated species in the EEZ and little is known about its biology, distribution, and relative abundance. MEDMR believes it is important to obtain a better understanding of the Jonah crab resource and the feasibility of developing a potential sustainable fishery. Due to a recent increase in Jonah crab abundance and market demand, it may be profitable for lobster fishermen to target Jonah crabs with modified lobster traps during times of low lobster landings (generally in the spring).

Under current State of Maine lobster management (Atlantic States Marine Fisheries Commission (ASMFC) Amendment 3), all traps (defined as structures or other devices, other than nets, that are placed, or intended to be placed, on the ocean bottom) that are designed for or are capable of catching lobsters must contain a lobster trap tag unless exempted. With a limit of 800 trap tags (and in some cases fewer), fishermen who are interested in helping explore and develop the Jonah crab fishery in the EEZ cannot do so unless they receive the necessary exemptions from the Federal lobster regulations at 50 CFR 697.19. The EFPs would facilitate the collection of data on modified lobster trap designs (side-entry and top-entry) to establish acceptable bycatch thresholds of lobsters and allow for the development of a species-specific Jonah crab trap, which would be exempted from the lobster regulations. In addition, the issuance of EFPs for the testing of modified lobster traps under commercial conditions could: (1) Contribute to the development of year-round Jonah crab markets; (2) provide additional economic opportunities for lobster and Jonah crab fishermen who are currently being held to a maximum trap limit; and (3) provide important biological and demographic data on the Jonah crab resource, thus contributing to baseline information on the Jonah crab life cycle and population structure. The overall goal of the experiment is to develop a permanent Jonah crab fishery that could someday ease pressure and decrease reliance on the harvesting of lobsters by allowing fishermen to diversify fleet options through their pursuit of new markets.

The experiment would expand on pilot studies in nearshore and offshore waters (within 3 nautical miles from shore) of the Gulf of Maine, which were conducted in spring and summer 2000. These pilot studies tested various gear modifications in areas of both high and low seasonal lobster abundance. The

results of this preliminary research suggested that a modified side-entry trap may be the best design for targeting Jonah crabs with negligible lobster bycatch.

The proposed experiment would be conducted in ENMA1, defined at 50 CFR 697.18(a), for 1 year from the date of EFP issuance, and would be carried out according to the specifications detailed below. The experimental area would be concentrated along the Maine coast between the western and eastern boundaries of the ENMA1. The results of the NMFS trawl survey suggest that Jonah crabs are most abundant at depths of 60-200 m, which occur about 3 to 20 nautical miles offshore.

While at least 60 percent of the traps used in the experiment would have the preferred modified side-entry trap design, the remaining 40 percent of experimental traps could incorporate a top-entry design that has proven effective in decreasing lobster bycatch in State crab fisheries. The following side-entry trap dimensions were developed through preliminary research and modeling and are in compliance with current lobster trap requirements: (1) Side-entry hoops not to exceed 2.5 inches (6.35 cm) in height; (2) a minimum of two, 3.25–inch (8.26–cm) circular escape vents in the parlor and kitchen of the trap; and (3) a minimum of one standard 1.94–inch (4.93–cm) x 5.75–inch (14.61–cm) rectangular escape vent in the parlor of the trap. Although preliminary testing of side-entry traps was conducted with escape vents of 3.0 inches (7.62 cm) in diameter, a projected escape pattern model based on Jonah crab carapace length and width revealed that the 3.25–inch (8.26–cm) escape vent would be most efficient at retaining legal crabs and excluding lobsters. The top-entry ''exploratory'' traps would be required to have a minimum circular entrance-opening diameter of 3.6–inches (9.14–cm), as well as the same circular and rectangular escape vent requirements outlined above for modified side-entry traps.

In response to MEDMR's July 30, 2001, request that NMFS initiate an ESA section 7 consultation on this fishery, a draft Biological Opinion on the Jonah crab fishery concluded that the proposed EFP activities, described in the original application and all subsequent amendments, are likely to jeopardize the continued existence of the endangered western North Atlantic right whale. Therefore, the proposed Reasonable and Prudent Alternative (RPA) is designed to avoid the likelihood that the Jonah crab experimental fishery will jeopardize the continued existence of the western North Atlantic right whale. The proposed measure is intended to remove the potential for entanglement of western North Atlantic right whales in Jonah crab trap gear during the period when the whales are most likely to occur in the experimental fishing area. The proposed RPA would limit Jonah crab experimental fishery participants to no more than their current lobster trap allocation (800 traps or fewer), unless the fisher uses either neutrally buoyant or sinking groundline for any traps in excess of his/her lobster trap allocation, during those times that western North Atlantic right whales are expected to be in the experimental fishing area (June 1 through October 31).

Vertical lines (e.g., buoy lines) and horizontal lines (e.g., lobster pot trawl groundlines) in the water column have been shown to adversely affect Endangered Species Act (ESA)-listed marine mammals and sea turtles, and precautions must be taken to prevent gear entanglements with these species. It is generally believed that floating line poses more of an entanglement risk to sea turtles and whales than sinking or neutrally buoyant line because it is loosely suspended in the water column, making it more likely to be encountered by a whale or sea turtle swimming through the area. Thus, the use of sinking or neutrally buoyant line rather than floating line as a condition of the EFP would reduce the chances of entanglement.

Additional gear restrictions that would meet the requirements of the Atlantic Large Whale Take Reduction Plan (ALWTRP), as well as additional measures to minimize the risk to protected species are as follows: (1) A minimum of 10 traps per vertical line; (2) no interspersed lobster traps per single line of Jonah crab traps; (3) a MEDMR requirement to clearly mark each buoy with the word ''CRAB'' under the State lobster/crab license number; (4) maximum soak times of 2 weeks (operational soak time will less than 1 week); and (5) a MEDMR requirement to mark each Jonah crab trap with the State lobster/crab license number and the word ''CRAB.''

The following additional conservation measures would be required of all Jonah crab experimental participants. Unlike lobsters, most crabs reach reproductive size before the size of harvest. Therefore, the MEDMR is recommending that there be a minimum legal carapace width of 5 inches (127 mm), no retention of females, and no retention of regulated species, in particular lobster. MEDMR would require participating fishermen to record catch information including, but not limited to, numbers of trap hauls, type of trap, soak times, and bycatch (specifically, count of undersized and legal-sized lobsters). The MEDMR would designate a minimum of 2 observer days per month to this experimental fishery. Observer data collected would complement the MEDMR-supplied logbooks, and would include detailed fisheries, trap design and fishing methods information on randomly sampled individual trap hauls. For each trap haul sampled, all crabs and lobster bycatch retained would be measured for carapace width (length for lobsters), sex, molt condition, and egg development. All illegal crabs and all bycatch, including all lobsters incidental to the catch of Jonah crabs, would be returned to the sea promptly after data collection. In addition, a one-time MEDMR survey will provide baseline demographic and ethnographic profiles on the Jonah crab fishery, and information on fixed costs (gear modifications, rope, etc.).

While alternative top-entry trap designs have proven to be less capable of catching lobsters, the MEDMR proposed that these ''exploratory'' traps be monitored directly by periodic onboard observer trips. In addition, the Maine Marine Patrol (MMP) would routinely haul gear to ensure compliance with experimental crab trap specifications and gear restrictions described above. A cooperative agreement that was signed on March 8, 2001, between NMFS and the MMP will allow State enforcement officials to enter Federal waters and act as deputized Federal law enforcement agents in upholding the regulations promulgated under the Magnuson-Stevens Act, ACFCMA, ESA, Marine Mammal Protection Act, National Marine Sanctuaries Act, and the Lacey Act.

The EFPs would exempt up to 100 vessels from the requirements of the lobster fishery regulations according to the provisions at 50 CFR parts 600.745 and 697.22, as follows: (1) Permit, tagging and trap limit requirements under § 697.4(a) and (d), and § 697.19(a)(2) and (c); (2) temporary possession of lobster less than the minimum carapace size specified at § 697.20(b)(1) and (2) for data collection purposes; (3) trap tag identification requirements at § 697.21(a)(2); and (4) deployment and gear configuration requirements at § 697.21(b)(2).

Based on the results of this EFP, this action may lead to future rulemaking.

Dated: March 19, 2002.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–7133 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV–98–303]

Apples; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the United States Standards for Grades of Apples. These standards are issued under the Agricultural Marketing Act of 1946. The proposal would provide for the mixed varieties and change the color requirements for apples by reducing the number of apple varieties required to meet specific minimum color requirements. It would also delete the provision that apples be ''carefully hand-picked.'' The ''U.S. No. 1 Early grade'' and the ''Unclassified'' section would also be deleted. Size specifications would be changed to allow Red Delicious and Golden Delicious varieties to meet either a minimum diameter or a minimum weight (currently these varieties must meet a minimum diameter designation). Changes would also be made to the application of tolerances for the purpose of allowing greater tolerances for defects in individual packages which contain 10 pounds or less, provided that the averages for the lot as a whole are met. The marking requirements would be changed by adding variety and grade to required markings on containers. The term ''brown surface discoloration'' would be added to the provisions which contain the requirements for the various grades of apples. The classification of ''Bitter pit'' and ''Jonathan spot'' would be clarified. Also, the U.S. Condition Standards for Export would be revised by removing the tolerance for slight scald and by changing the individual container tolerances in these requirements from one defective apple to three defective apples, provided the averages for the lot as a whole are met. In addition, the proposed rule will provide metric equivalents for dimensions given in terms of U.S. customary units and contains conforming and editorial changes. The purpose for this revision is to update and revise the standards to more accurately represent today's marketing practices.

DATES: Comments must be received by May 28, 2002.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2065, South Building, STOP 0240, Washington, DC 20250; Fax (202) 720–8871, e-mail *FPBDocket_clerk@usda.gov.* Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: David Priester, at the above address or call (202) 720–2185; e-mail *David.Priester@usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and 12988

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action. This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of the rule.

Regulatory Flexibility Act

The Agricultural Marketing Service (AMS) received a request to update and revise the United States Standards for Grades of Apples from the U.S. Apple Association (USAA). The USAA is a trade association representing over 500 individual apple business-related firms including growers, packers, shippers, processors, and industry suppliers. In addition, the USAA also represents approximately 9,000 apple growers throughout the U.S. through affiliation with state or regional apple associations. The Department and the USAA have been working closely together over the past eleven years to identify issues, defects, tolerances, and marketing practices related to apples for fresh market sale for the purpose of updating the United States Standards for Grades of Apples. The revisions being proposed will benefit all aspects of the apple industry with regard to these areas and make the standards current with today's marketing trends and practices.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Accordingly, AMS has prepared this initial regulatory flexibility analysis. Interested parties are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule would revise the U.S. Standards for Grades of Apples that were issued under the Agricultural Marketing Act of 1946. The proposed amendment of the standards would: revise the basic requirements sections of each grade by providing for mixed varieties; delete the reference to ''carefully hand-picked''; revise the reference to ''scald'' by using the term ''brown surface discoloration''; clarify the classification of ''Bitter pit'' and ''Jonathan spot''; place the definitions for bruising in their appropriate places; delete the ''U.S. No. 1 Early grade''; revise the color requirements section by redefining the requirements and requiring less varieties to meet these requirements; delete the ''Unclassified'' section; designate weight equivalents (in grams) for certain diameter sizes of Red Delicious and Golden Delicious varieties; revise the ''application of tolerances'' section in regard to consumer packages; and add variety and grade to the marking requirements section.

The U.S. Standards for Grades of Apples and the U.S. Condition Standards for Export are both voluntary standards. There are no regulatory

provisions that require the use of these standards with the exception of the Export Apple Act (7 U.S.C. 581 *et seq.*) and its regulations (7 CFR part 33) in regard to the U.S. Standards for Grades of Apples. Under the Export Apple Act, shipments of apples to foreign countries must meet a minimum requirement of the U.S. No. 1 grade (there are exemptions based on lot size, destination, etc.).

According to USDA's National Agricultural Statistics Service (NASS) report of the 1997 Census of Agriculture, there are approximately 18,500 apple farms in the United States. Further, NASS information indicates that, in 1998, these 18,500 farms produced over 11 billion pounds of apples. Approximately 55 percent of the 1998 crop was eaten as fresh fruit. In 1999, apple production was down to 10 billion pounds. The top five producing states were Washington, New York, Michigan, California, and Pennsylvania, respectively. These five states collectively produced over 83 percent of the total 1998 U.S. apple crop.

Small agricultural service firms, which include handlers, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. The apple industry is characterized by growers and handlers whose farming operations generally involve more than one type (such as fresh market utilization versus processed market utilization) and variety of apple, and whose income from farming operations is not exclusively dependent on one apple variety or even one commodity. Typical apple growers and shippers produce multiple varieties of fresh market apples within a single year. It is estimated that the majority of the producers do have overall gross annual receipts greater than $750,000. Additionally, there are approximately 5,100 apple handlers (i.e., packers, brokers, distributors, importers, etc.). It is estimated that the majority of apple handlers do not fit SBA's definition of a small entity.

This rule proposes several changes to the U.S. Standards for Grades of Apples. These changes are intended to update the standards to maintain their usefulness in today's markets. For example, the color requirements that appear in the current standards are much the same as those that were published in 1923 even though many of the varieties marketed then are no longer marketed, or marketed in a significant volume. This proposed action will make the standards more consistent and uniform with current marketing trends and commodity characteristics. Therefore, it should benefit handlers and growers regardless of their size. Further, the benefits of this rule are not expected to be disproportionately greater or smaller for small handlers or producers than for larger entities. Alternatives were considered for this action. One alternative would be to not issue the proposed changes. However, the need for revision increases due to ever changing market characteristics, and the proposal represents approximately 10 years of research, surveys, and other input from all sectors of the apple industry and government. Further, since the purpose of these standards is to facilitate the marketing of agricultural commodities, not revising them by upgrading the standard could result in confusion in terms of the proper application of the U.S. grade standards.

This proposed action will not impose any additional reporting or recordkeeping requirements on either small or large apple producers, handlers, or importers. In addition, other than discussed above, the Department has not identified any Federal rules that duplicate, overlap, or conflict with this rule.

Discussion of Proposed Revisions

The current U.S. apple grades (U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, U.S. No. 1 Early, U.S. No. 1 Hail, and U.S. Utility) would remain in the standards. The U.S. No. 1 Early grade would be removed. This grade (Section 51.302 (a)) would be deleted since market surveys performed by the Department have indicated that it is no longer used by the industry.

Section 51.300, U.S. Extra Fancy, Section 51.301, U.S. Fancy, and Section 51.303, U.S. Utility currently state that apples must be ''of one variety.'' This would be changed to '' . . . consists of apples of one variety (except when more than one variety is printed on the container)'' to allow for mixed variety lots. This change is being proposed primarily for the benefit of those shipper/packers that would prefer to pack more than one variety in the same container, such as gift packs of two or more varieties. However, the names of the multiple varieties would be required to be printed on the container. Any packages that contain more than one variety and are not designated as such on the container would fail to grade due to dissimilar varieties.

Sections 51.300, 51.301, and 51.303 also state that the apples must be ''. . . carefully handpicked.'' We propose to delete this provision and its corresponding definition in § 51.315 because it is difficult to determine if an apple has been ''carefully handpicked,'' especially at points of destination. Further, this requirement was not intended to prevent machine picked apples from making a U.S. grade. The original intent of this phrase was to preclude apples which had fallen from the tree and were laying on the ground (commonly referred to as ''drops'') from making a U.S. grade. However, the apple industry does not use drops for packing. As a result of the deletion of § 51.315, all sections following this section would be renumbered accordingly.

The Department's Agricultural Handbook 376 states that ''Scald is a physiological disease of apples that has been recognized as a serious problem for as long as apples have been stored and marketed commercially. Scald is known by such names as ordinary scald, storage scald, common scald, hard scald (as opposed to the soft scald disease), and superficial scald, although tissues may be killed to ¼ inch in some varieties.''

Sections 51.300, 51.301, and 51.303 currently require that apples be free from ''scald'' in any of the grades. Although there are many different origins of scald, there are primarily only two types, surface scald and soft scald. Surface scald which only affects the skin of the apple and which is firm in texture, would be included under the definitions of injury, damage, and serious damage, under the term ''brown surface discoloration.'' The word ''scald'' would be replaced with the phrase ''soft scald'' in these sections. To meet any of the grades apples would be requires to be free from ''soft scald.''

Many years ago, scald was a serious problem in shipments of apples, especially lots which had been stored for a period of time before shipment or sale. Improved harvesting techniques and anti-scald treatments have substantially limited the presence of scald in apple shipments. Although soft scald results in a disintegration of the flesh, and sometimes also produces a foul odor, surface scald is less objectionable, restricting the area affected to that of the skin. In addition, there are several types of defects which occur simply as brown surface discoloration (*i.e.,* delayed sunburn, which will be discussed in detail below) and which cannot be differentiated by the naked eye. This change is being proposed because it would be more accurate to group these defects together as ''brown surface discoloration'' than to use the term ''scald.''

Also, we are proposing to make revisions concerning two physiological

defects known as bitter pit and Jonathan spot. Although bitter pit and Jonathan spot are two separate, nonparasitic or noncontagious diseases, their appearance and effect to the apple are very similar. Therefore, these two defects are treated the same for the purpose of determining the quality based on the U.S. grade standards.

While the origin(s) of these two diseases is not entirely clear, their appearance is unmistakable. Affected apples display grayish brown to black circular spots which may be sunken (pits). Typical spots or pits are 1/16 to 1/8 inch in diameter, and often in the case of Jonathan spot, these spots will occur around the lenticels. These apples may have from one spot to the entire surface affected. Bitter pit and Jonathan spot are referenced in the standards in three different manners. In the U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 they are listed as ''free from'' defects (*i.e.,* fruit must be from these defects to meet the grades.) A description of when bitter pit or Jonathan spot are considered to be ''serious damage'' appears in Section 51.320. Furthermore, the U.S. Condition Standards for Export reference ''damage by'' bitter pit or Jonathan spot which does not conform with the U.S. grade standards' basic requirements which use the term ''free from.''

Therefore, to make the standards more clear and to eliminate any inconsistencies, it is proposed U.S. Extra Fancy, U.S. Fancy, and U.S. No. 1 grades require fruit to be free from damage caused by bitter pit and Jonathan spot, and free from serious damage in the U.S. Utility grade. ''Bitter pit or Jonathan spot when one or more spots affects the surface of the apple'' would also be added to the defects considered as damage in § 51.317 (g)(5). (This section is currently designated as § 51.319; however, the Section number would be changed due to revisions in text which will be described in detail later in this supplementary information section.) Section 51.320 (g)(5), Serious Damage (proposed § 51.318 (g)(5)) currently provides that ''Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit'' is considered to be serious damage. The section would be revised by removing ''does not materially deform . . .'' as the form of the fruit should not be considered when determining whether the fruit is seriously damage by bitter pit or Jonathan spot.

Sections 51.300 and 51.301 each require that apples be free from ''bruises except those which are slight and incident to proper handling and packing.'' However, bruising is currently scored based on severity (*i.e.,* injury, damage, and serious damage) while slight and incidental bruises (bruises which can be seen by holding the apple at certain angles to light or by slight indentations to the surface which have no apparent affect on the underlying flesh) are not considered as defects which would prevent the fruit from meeting grade.

While the degree of bruising is not defined in the standard, guidelines appear in the Apples Market Inspection and Apples Shipping Point Inspection handbooks. The fruit is considered is to be injured if the area affected exceeds 5/8 inch in diameter or 1/8 inch in depth, damage if the area affected exceeds 7/8 inch in diameter or 3/16 inch in depth, and serious damage if the area affected exceeds 1 1/8 inch in diameter or 3/8 inch in depth based on an apple with a three inch diameter. Correspondingly greater or lesser amounts are allowed based on the size of the individual apple. In addition, different allowances may be provided based on the type of pack (tray pack, cell pack, or other packs).

Therefore, to clarify and simplify the process of scoring bruises as a defect, §§ 51.300, 51.301, and 51.303 would require fruit to be free from injury, damage, or serious damage defect, by bruising, respectively, and different levels of bruising would be included in the definitions of injury, damage, and serious damage.

Another change proposed in this revision involves the amount of red color needed on red varieties apples for each grade. Currently, several varieties are listed in Table 1 of Section 51.305, Color Requirements. Many of the varieties listed in this table are no longer produced commercially. In addition, newer varieties have been marketed which are not listed in this table. This has led to questions as to the application of color requirements over the years, and their usefulness in application. After several years of research and surveys, the Department and the USAA Grades and Standards Committee (USAA GSC) believe they have developed a system that will best suit the needs of all apple marketers.

The proposed method will determine color requirements only for those varieties produced in commercial volume which have historically been marketed based on their color attributes. The USAA GSC has proposed a list consisting of the following twelve varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York. All other varieties would have no color requirements in determining the grade, although the color requirements of these other varieties may be specified between marketers.

The method or process used to determine color requirements for the twelve varieties of apples previously mentioned would remain basically unchanged. However, the Department is currently working on designing a new color comparator which will be applicable to these twelve varieties (the current version is only applicable to 6 different varieties). These color standards will be available for examination during the comment period in the Fresh Products Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture South Building, Washington, D.C. 20250; in any field office of the Fresh Products Branch; or upon request of any authorized inspector of the Fresh Fruit and Vegetable Inspection Service. In addition, the USAA GSC has provided suggested percentages of color required for the specified varieties. Finally, a new footnote would be added to the color requirements table in reference to ''varietal name designations.'' Varietal name designations refers to hybrid or sport varieties, or varietal names which contain one of the twelve listed varieties as a portion of the name. The footnote specifies that varietal designations of the twelve listed varieties must meet or exceed those color requirements listed for the original variety (*e.g.,* a varietal designation of Royal Winesap would be required to meet the same color requirements as designated for Winesap).

Section 51.306, Unclassified, would be removed. The Department has been removing sections in revised standards that make reference to ''Unclassified'' to eliminate any misunderstanding that this term designates an actual grade name. The term ''Unclassified'' is not an actual grade classification but was originally set out in the standards for use when no definite grade had been assigned to a given lot. Removing this entry would result in all sections following it to be renumbered by decreasing the Section number by one unit (*i.e.,* the following § 51.307 Tolerances, will now become § 51.306).

Another area within the standard that we propose to revise involves size requirements. Based on the current size requirements for lots designated by numerical count, § 51.307 (c) provides that not more than 5 percent of the apples in a lot may vary more than 1/4 inch in diameter. To determine if a lot has met this requirement, every apple must be sized and recorded so that it may be determined where, among all

apples sampled, the one-quarter inch variation lies. After determining where the variation is, the total number of apples outside this variation must be tallied.

We propose to revise the size section to provide for a much simpler process to determine uniformity. First, the diameters of the smallest and largest apple in the package would be determined. If the range between these two apples is ½ inch or less, the sample will be described as ''fairly uniform.'' If the range between these two apples is greater than one-half inch, the sample would be described as ''irregular.'' It is proposed that not more than 10 percent of the samples in the lot may fail to meet fairly uniform.

Also, weight equivalents would now be used for the Red Delicious and Golden Delicious varieties. These two varieties, due to their characteristic shape, can often be elongated (sometimes referred to as ''typie'' by apple handlers) rather than wide. The result is a product that actually has more edible flesh but is still unable to meet minimum diameter size requirements. The USAA has proposed a list of weight equivalents based on reference data from actual tests and surveys. These weights would appear in Table II of the proposed § 51.306(c), (currently § 51.307 (c)) along with their corresponding diameter measurement.

When this designation is used, an individual apple would be considered to have met the minimum size requirement if the apple is smaller than the minimum diameter, provided it is equal to or greater than the minimum weight. Likewise, an apple not meeting the minimum weight designation would also be considered to have met the minimum size requirement if the apple is equal to or larger than the corresponding minimum diameter. However, not more than five percent of the apples in any lot would be allowed to fail to meet both minimum diameter and minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combination, they would only be designated according to the combinations listed in Table II.

Another proposed revision to the standards affects the application of tolerances. The application of tolerances allows for an occasional sample with defects exceeding the lot tolerance, provided the lot averages within lot tolerances as a whole. However, the current application of tolerances for packages which contain 10 pounds or less, allows more than an occasional excess. It states, ''Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: *Provided,* That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.'' This could permit up to 100 percent defects in samples or packages that represent less than 10 percent of the packages in the lot.

Therefore, a more restrictive and appropriate Application of Tolerances for this situation is proposed. Section 51.307 (b)(1) (currently designated § 51.308 (b)(1)) would be revised to provide ''No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided*, That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.''

Proposed Section 51.308 (currently 51.309), Calculation of percentages, designates how the apples are to be sampled based on various characteristics of the lot, and, ultimately, how the percentages are determined based on the sampling method. Currently, the section states that when numerical count is marked on the container, percentages will be calculated on the basis of count and all other cases are based on weight or an equivalent basis. However, sampling for consumer size packages (consumer size packages are generally considered as packages weighing ten pounds or less) is not specifically addressed. Therefore, we propose to revise § 51.308. First, the title of the section would be changed to ''Methods of sampling and calculation of Percentages'' to more accurately reflect the contents of the section. Second, to specifically address the situation of consumer size packages, as well as any other basis for determining percentages, it is proposed that § 51.308 be revised to read as follows:

''(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than ½ inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count;

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.''

Section 51.312, Marking requirements, currently states that the numerical count or minimum diameter of the apples packed in a closed container shall be indicated on the container. The USAA GSC believes that requiring the count or diameter to be marked on the container is not sufficient for today's market, and that the grade and variety should also be plainly marked on the outside of the container. It is also necessary to revise this section to provide for the newly-proposed weight/diameter size classifications for Red Delicious and Golden Delicious varieties, and to provide for packages that contain more than one variety.

Therefore, we propose to revise § 51.312 (redesignated as § 51.311) to read as follows: ''Variety (or varieties if more than one is packed in the container), grade, and the numerical count or minimum diameter of apples packed in a closed container shall be indicated on the container. For apple lots utilizing the combined diameter/weight designations for Red Delicious and Golden Delicious varieties, the minimum diameter and minimum weight of apples packed in a closed container shall be indicated on the container. (a) When the numerical count is not shown, the minimum diameter or, in the case of Red Delicious or Golden Delicious lots where minimum diameter/weight designations have been chosen, the minimum diameter and weight as designated in Table II, shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof in the following manner: ''A'' inches or ''B'' grams, where ''A'' corresponds to one of the diameter measurements in terms of inches in Table II and ''B'' corresponds to the weight measurement in grams as indicated in Table II. Both diameter and weight must be shown using the word ''or'' between the given measurements.'' Paragraph (b) of this section remains unchanged.

Proposed §§ 51.316, 51.317, and 51.318 (currently §§ 51.318, 51.319, and 51.320) define terms of injury, damage, or serious damage. These sections would also be revised to reflect the changes concerning bruising, brown surface discoloration, bitter pit, and Jonathan spot as indicated in the earlier discussion of this supplementary information section.

Finally, proposed § 51.321, U.S. Condition standards for export (currently § 51.323), is a separate set of requirements that may be used for both exported and domestic shipments of apples. These requirements are not mandatory for exports or domestic shipments, but are provided as an optional classification for lots of apples. Only one change that pertains

specifically to providing 2 percent allowance for apples affected by slight scald is proposed in this section. Paragraph (c)(3) of this section states that ''Not more than 2 percent shall be allowed for apples affected by slight scald.'' Deleting this is necessary to clarify reference to scoring scald in the U.S. Condition Standards for Export and to make them consistent with the revisions being proposed within the standards. The inclusion of brown surface discoloration in the standards would encompass the various types of scald, making current paragraph (c)(3) of this section unnecessary.

Accordingly, AMS proposes to amend the United States Standards for Grades of Apples as follows:

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 51 is proposed to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 7 U.S.C. 1621—1627.

2. In part 51, Subpart—United States Standards for Grades of Apples for processing is revised to read as follows:

Subpart—United States Standards for Grades of Apples

Grades

Sec.

51.300 U.S. Extra Fancy.
51.301 U.S. Fancy.
51.302 U.S. No. 1.
51.303 U.S. Utility.
51.304 Combination grades.

Color Requirements

51.305 Color requirements.

Tolerances

51.306 Tolerances.

Application of Tolerances

51.307 Application of tolerances.

Methods of Sampling and Calculation of Percentages

51.308 Methods of sampling and calculation of percentages.

Condition After Storage or Transit

51.309 Condition after storage or transit.

Packing Requirements

51.310 Packing requirements.

Marking Requirements

51.311 Marking requirements.

Definitions

51.312 Mature.
51.313 Overripe.
51.314 Clean.
51.315 Fairy well formed.
51.316 Injury.
51.317 Damage.
51.318 Serious damage.
51.319 Seriously deformed.
51.320 Diameter.

U.S. Condition Standards for Export

51.321 U.S. Condition Standards for Export.

Metric Conversion Table

51.322 Metric conversion table.

Grades

§ 51.300 U.S. Extra Fancy.

''U.S. Extra Fancy'' consists of apples of similar varietal characteristics (except when the name of more than one variety appears on the container) which are mature but not overripe, clean, fairly well formed; free from decay, internal browning, internal breakdown, soft scald, scab, freezing injury, visible water core, and broken skins. The apples are also free from injury caused by bruises, brown surface discoloration, smooth net-like russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means. The apples are free from damage caused by bitter pit or Jonathan spot and by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, as well as damage by invisible water core after January 31st of the year following the year of production except for the Fuji variety of apples. Invisible water core shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in Table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

§ 51.301 U.S. Fancy.

''U.S. Fancy'' consists of apples of similar varietal characteristics (except when the name of more than one variety appears on the container) which are mature but not overripe, clean, fairly well formed, and free from decay, internal browning, internal breakdown, soft scald, freezing injury, visible water core, and broken skins. The apples are also free from damage caused by bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, bitter pit, Jonathan spot, or damage by other means, or invisible water core after January 31st of the year following the year of production, except for the Fuji variety of apples. Invisible water core shall not be scored against the Fuji variety of apples under any circumstances. For the apple varieties listed in Table I of § 51.305, each apple of this grade has the amount of color specified for the variety. (See §§ 51.305 and 51.306.)

§ 51.302 U.S. No. 1.

''U.S. No. 1'' consists of apples which meet the requirements of U.S. Fancy grade except for color, russeting, and invisible water core. In this grade, less color is required for all varieties listed in Table I of § 51.305. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for U.S. Fancy as defined under the definitions of ''damage by russeting,'' except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided,* That, in the case of the Yellow Newtown or similar varieties, the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent. Each apple of this grade has the amount of color specified in § 51.305 for the variety. Invisible water core shall not be scored in this grade. (See §§ 51.305 and 51.306.)

(a) *U.S. No. 1 Hail:* ''U.S. No. 1 Hail'' consists of apples which meet the requirements of U.S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken, are permitted, provided the apples are fairly well formed. (See §§ 51.305 and 51.306.)

(b) [Reserved]

§ 51.303 U.S. Utility.

''U.S. Utility'' consists of apples of similar varietal characteristics (except when more than one variety is printed on the container) which are mature but not overripe, not seriously deformed and free from decay, internal browning, internal breakdown, soft scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, brown surface discoloration, russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, bitter pit or Jonathan spot, disease, insects, or other means. (See § 51.306.)

§ 51.304 Combination grades.

(a) Combinations of the grades in §§ 51.300 through 51.303 may be used as follows:

(1) Combination U.S. Extra Fancy and U.S. Fancy;

(2) Combination U.S. Fancy and U.S. No. 1; and

(3) Combination U.S. No. 1 and U.S. Utility.

(b) Combinations other than these are not permitted in connection with the U.S. apple grades. When Combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See § 51.306.)

Color Requirements

§ 51.305 Color requirements.

In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.304, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this Section. All apple varieties other than those appearing in Table I shall have no color requirements pertaining to these grades. For the solid red varieties, the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties, the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color. (A) Color standards USDA Visual Aid APL–CC–1 (Plates a–e) consists of a folder containing the color requirements for apples set forth in this section and five plates illustrating minimum good shade of solid red or striped red color, minimum compensating color and shade not considered color, for the following 12 varieties: Red Delicious, Red Rome, Empire, Idared, Winesap, Jonathan, Stayman, McIntosh, Cortland, Rome Beauty, Delicious, and York. These color standards will be available for examination and purchasing information in the Fresh Products Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture South Building, Washington, D.C. 20250; in any field office of the Fresh Products Branch; or upon request of any authorized inspector of the Fresh Fruit and Vegetable Inspection Service.

TABLE I

Only the varieties listed in this table shall be required to meet a minimum color requirement. Variety	U.S. Extra Fancy Percent	U.S. Fancy Percent	U.S. No. 1 Percent
Red Delicious	66	40	25
Red Rome	66	40	25
Empire	66	40	25
Idared	66	40	25
Winesap	66	40	25
Jonathan	66	40	25
Stayman	50	33	25
McIntosh	50	33	25
Cortland	50	33	25
Rome Beauty	50	33	25
Delicious	50	33	25
York	50	33	25

[1] Variations on varietal designations listed in this table must meet or exceed those color requirements listed.

Tolerances

§ 51.306 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the grades in §§ 51.300, 51.301, 51.302, 51.303, and 51.304 the following tolerances are provided as specified:

(a) Defects. (1) U.S. Extra Fancy, U.S. Fancy, U.S. No. 1, and U.S. No. 1 Hail grades: 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than 1 percent for apples affected by decay or internal breakdown.

(2) U.S. Utility grade. 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects, and including in the total tolerance not more than 1 percent for apples affected by decay or internal breakdown.

(b) When applying the foregoing tolerances to Combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(c) Size. When size is designated by the numerical count for a container, not more than 10 percent of packages in the lot may fail to be fairly uniform.[1] When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum, and not more than 10 percent may be larger than the designated maximum. For Red Delicious or Golden Delicious varieties only, a combination of minimum diameter and/or weight may be used. When this designation is used, an individual apple will be considered to have met the minimum size requirement even if the apple is smaller than the minimum diameter, provided it

[1] ''Fairly uniform'' means the size of the fruit within the container does not vary more than ½ inch diameter from the smallest to largest fruit.

is equal to or greater than the weight provided in Table II of this section. However, not more than 5 percent of the apples in any lot may fail to meet either the minimum diameter or minimum weight when so designated. In addition, when Red Delicious or Golden Delicious apples are designated with diameter/weight combinations, they may only be designated according to the following table:

TABLE II

Red Delicious	Golden Delicious
2⅛ inches or 65 grams.	63 grams
2¼ inches or 75 grams.	70 grams
2⅜ inches or 84 grams.	82 grams
2½ inches or 100 grams.	95 grams
2⅝ inches or 115 grams.	109 grams
2¾ inches or 139 grams.	134 grams

Application of Tolerances

§ 51.307 Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) Packages which contain more than 10 pounds:

(1) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) [Reserved]

(b) Packages which contain 10 pounds or less:

(1) No package may have more than 3 times the tolerance specified, except that at least three defective apples may be permitted in any package: *Provided,* That not more than three apples or more than 18 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

(2) [Reserved]

Methods of Sampling and Calculation of Percentages

§ 51.308 Methods of sampling and calculation of percentages.

(a) When the numerical count is marked on the container, containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than ½ inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count.

(b) In all other cases except those listed in paragraph (a) of this section, they shall be calculated on the basis of weight.

Condition After Storage or Transit

§ 51.309 Condition after storage or transit.

Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

Packing Requirements

§ 51.310 Packing requirements.

(a) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight [2] or fairly well filled.[3]

(b) Closed cartons containing apples not tray or cell packed shall be fairly well filled or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(c) Packs in wooden boxes or baskets shall be sufficiently tight to prevent any appreciable movement of apples within containers when the packages are closed. Each wrapped apple shall be completely enclosed by its individual wrapper.

(d) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(e) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

Marking Requirements

§ 51.311 Marking requirements.

Variety (or varieties if more than one is packed in the container), grade, and the numerical count or minimum diameter of apples packed in a closed container shall be indicated on the container. For apple lots utilizing the combined diameter/weight designations for Red Delicious and Golden Delicious varieties, the minimum diameter and minimum weight of apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown, the minimum diameter or, in the case of Red Delicious or Golden Delicious lots where minimum diameter/weight designations have been chosen, the minimum diameter and weight as designated in Table II, shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof in the following manner: ''A'' inches or ''B'' grams, where ''A'' corresponds to one of the diameter measurements in terms of inches listed in Table II and ''B'' corresponds to the weight measurement in grams as indicated in Table II. Both diameter and weight must be shown using the word ''or'' between the given measurements.

(b) The word ''minimum,'' or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (See §§ 51.306 and 51.307.)

Definitions

§ 51.312 Mature.

''Mature'' means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) ''Hard'' means apples with a tenacious flesh and starchy flavor.

(b) ''Firm'' means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

(c) ''Firm ripe'' means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) ''Ripe'' means apples with mealy flesh and soon to become soft for the variety.

§ 51.313 Overripe.

''Overripe'' means apples which have progressed beyond the stage of ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.314 Clean.

''Clean'' means that the apples are free from excessive dirt, dust, spray residue, and other foreign material.

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[2] ''Fairly tight'' means that apples are of the proper size for molds or cell compartments in which they are packed, and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples, shall be not more than ¾ inch below the top edge of the carton.

[3] ''Fairly well filled'' means that the net weight of apples in containers raning from 2,100 to 2,900 cubic inch capacity is not less than 37 pounds for Cortland, Gravenstein, Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

§ 51.315 Fairly well formed.

''Fairly well formed'' means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.316 Injury.

''Injury'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detract from the appearance or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as injury:

(a) Receding in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is injured by receding. Smooth net-like receding outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered, and the color of the receding shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like receding when the appearance is affected to a greater extent than the amount permitted in this paragraph.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by receding.

(d) Hail marks, drought spots, other similar depressions or scars:

(1) When the skin is broken, whether healed or unhealed;

(2) When there is appreciable discoloration of the surface;

(3) When any surface indentation exceeds one-sixteenth inch in depth;

(4) When any surface indentation exceeds one-eighth inch in diameter; or

(5) When the aggregate affected area of such spots exceeds one-half inch in diameter.

(e) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 1/8 inch in depth;

(2) 5/8 inch in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (e)(1) or (2) of this section.

(f) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 1/4 inch in diameter.

(g) Disease: (1) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(3) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(h) Insects: (1) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.

(2) Worm holes.

§ 51.317 Damage.

''Damage'' means any specific defect defined in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the amount permitted in this paragraph (a).

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the amount permitted in this paragraph (a).

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.

(5) Rough russeting which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions, or scars:

(1) When any unhealed mark is present;

(2) When any surface indentation exceeds one-eighth inch in depth;

(3) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(4) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than a slight degree

outside the circular area formed by the vascular bundles: *Provided,* That invisible water core shall not be scored as damage against the Fuji variety of apples under any circumstances.

(g) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 3/16 inch in depth;

(2) 7/8 inch in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraphs (g)(1) or (2) of this section.

(h) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 1/2 inch in diameter.

(i) Disease. (1) Scab spots which affect a total area of more than one-fourth inch in diameter.

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(5) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(j) Insects. (1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(2) Worm holes.

§ 51.318 Serious damage.

''Serious damage'' means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detract from the appearance, or the edible or shipping quality of the apple. In addition, specific defect measurements are based on an apple three inches in diameter. Corresponding smaller or larger areas would be allowed on smaller or larger fruit. Any reference to ''inch'' or ''inches in diameter'' refers to that of a circle of the specified diameter. Any reference to ''aggregate area,'' ''total area,'' or ''aggregate affected area'' means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided,* That any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(2) [Reserved]

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided,* That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible water core which affects an area of more than one-half inch in diameter.

(g) Disease. (1) Scab spots which affect a total area of more than three-fourths inch in diameter.

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface.

(h) Insects. (1) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.

(2) Worm holes.

(i) Bruises which are not slight and incident to proper handling and packing, and which are greater than:

(1) 3/8 inch in depth;

(2) 1 1/8 inches in diameter;

(3) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in paragraph (i)(1) or (2) of this section.

(j) Brown surface discoloration when caused by delayed sunburn, surface scald, or any other means and affects an area greater than 3/4 inch in diameter.

§ 51.319 Seriously deformed.

''Seriously deformed'' means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.320 Diameter.

When measuring for minimum size, ''diameter'' means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, ''diameter'' means the smallest dimension of the apple determined by passing the apple through a round opening in any position.

U.S. Condition Standards for Export

§ 51.321 U.S. Condition Standards for Export.[4]

(a) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(b) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(c) Not more than a total of 5 percent of the apples in any lot shall be affected by scald, internal breakdown, freezing injury, or decay; or damaged by bitter pit, Jonathan spot, water core[5] except that invisible water core shall not be scored as damage when these condition standards are applied to the Fuji variety of apples, or other condition factors: *Provided,* That:

(1) Not more than a total of 2 percent shall be allowed for apples affected by decay and soft scald;

(2) Not more than 2 percent shall be allowed for apples affected by internal breakdown;

(d) Container packs shall comply with packing requirements specified in § 51.310 of the United States Standards for Grades of Apples.

(e) Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified: *Provided*, That no package in any lot shall have more than double the percentages specified, except that for packages which contain 10 pounds or less, individual packages

[4] These standards may be applied to domestic shipments of apples as well as export lots, and may be referred to as ''U.S. Condition Standards.''

[5] ''Damage by water core'' means externally invisible water core existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than slight degree outside the circular area formed by the vascular bundles, or any externally visible water core.

in any lot may have not more than three times the tolerance or three apples (whichever is the greater amount).

§ 51.322 Metric conversion table.

METRIC CONVERSION TABLE

Inches	Millimeters (mm)
§ 51.322 Metric conversion table. .	
1/16 equals	1.6
1/8 equals	3.2
3/16 equals	4.8
1/4 equals	6.4
3/8 equals	9.5
1/2 equals	12.7
5/8 equals	15.9
3/4 equals	19.1
7/8 equals	22.2
1 1/8 equals	28.6
2 1/8 equals	54.0
2 1/4 equals	57.2
2 3/8 equals	60.3
2 1/2 equals	63.5
2 3/4 equals	69.9
Cubic Inches	**Cubic Centimeters (cc)**
2100 equals	34,412.7
2900 equals	47,522.3
Pounds	**Grams (g)**
10 equals	4,536.0
37 equals	16,783.2
40 equals	18,144.0

Dated: March 18, 2002.

A. J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–7221 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. FHWA–2000–8056]

RIN 2125–AE80

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Termination of proposed rulemaking.

SUMMARY: This document terminates a rulemaking proceeding to revise noise regulations relating to the noise insulation of private residences. The agency undertook this action to consider allowing Federal participation in the noise insulation of private residences when a traffic noise impact occurs, i.e., when predicted traffic noise levels approach or exceed the FHWA noise abatement criteria or when the predicted traffic noise levels substantially exceed the existing noise levels. Currently, Federal participation in the noise insulation of private residences is allowable only in situations where severe traffic noise impacts exist or are expected, and normal abatement measures are physically infeasible or economically unreasonable. The agency has determined that the proposed change would establish a highly controversial funding policy and would add tremendous cost to the highway program. Accordingly, we are terminating the rulemaking proceeding and closing the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Armstrong, Office of Natural Environment, HEPN–20, (202) 366–2073, or Mr. Robert Black, Office of the Chief Counsel, HCC–30, (202) 366–1359, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The FHWA noise regulations were developed as a result of the Federal-Aid Highway Act of 1970 (Pub. L. 91–605, 84 Stat. 1713) and apply to projects where a State department of transportation has requested Federal funding for participation in the project. Under the FHWA noise requirements found at 23 CFR part 772, the State DOT must determine if there will be traffic noise impacts in areas adjacent to federally-aided highways when a project is proposed for the construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. Such a project is termed a ''Type I'' project. If the State DOT identifies potential traffic noise impacts, it must consider noise abatement measures and implement the measures when they are determined to be reasonable and feasible.

Federal law and the FHWA regulations do not require the State DOTs to implement noise abatement along existing highways. However, they may voluntarily initiate this type of abatement, termed a ''Type II'' project, but they are solely responsible for making this decision. Federal participation in the funding of such projects is limited to those that propose abatement measures along lands that were developed or were under substantial construction before approval of the acquisition of the right-of-way for, or construction of, the existing highway.

Noise abatement measures which may be incorporated in ''Type I'' and ''Type II'' projects include the following: (1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits and exclusive land designations); (2) alteration of horizontal and vertical alignments; (3) acquisition of property rights (either in fee or lesser interest) for construction of noise barriers; (4) construction of noise barriers (including landscaping for aesthetic purposes), whether within or outside the highway right-of-way; (5) acquisition of real property or interests therein (predominately unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise (this measure may be included in ''Type I'' projects only); and (6) noise insulation of public use or nonprofit institutional structures.

In establishing the noise regulations, the FHWA limited routine noise insulation to public use or nonprofit institutional structures in an effort to balance what is desirable from an environmental perspective with what is reasonable fiscally, i.e., balance noise reduction benefits with overall program costs. However, there may be situations where: (1) Severe traffic noise impacts exist or are expected, and (2) the abatement measures listed above are physically infeasible or economically unreasonable. In these instances, the FHWA may approve a State's request for unusual or extraordinary abatement measures on a case-by-case basis. When considering extraordinary abatement measures, the State must demonstrate that the affected activities experience traffic noise impacts to a far greater degree than other similar activities adjacent to highway facilities. For example, residential areas experience absolute noise levels of at least 75 decibels or residential areas experience noise level increases of at least 30 decibels over existing noise levels. The noise insulation of private residences is an example of an extraordinary abatement measure.

The Advance Notice of Proposed Rulemaking (ANPRM)

On December 28, 2000, the FHWA issued an ANPRM, at 65 FR 82301, to seek comment on allowing the use of

Federal funds for noise insulation of private residences as an interior noise abatement measure. Member(s) of Congress had suggested that the noise insulation of private residences be added to the listing of abatement measures, which may routinely be considered whenever a traffic noise impact occurs. Such consideration would not require the occurrence of a severe traffic noise impact. However, such consideration could require that all other measures be evaluated and be determined not to be reasonable and feasible before the noise insulation of private residences could be considered. As with all elements of highway traffic noise analysis and abatement, consideration for the noise insulation of private residences should be applied uniformly and consistently on a statewide basis.

The FHWA sought comments on the following questions:

1. Should the FHWA revise its noise regulation to allow Federal participation in the noise insulation of private residences whenever a traffic noise impact occurs, not only when a severe traffic noise impact occurs?

2. Should the FHWA revise its noise regulation to routinely allow Federal participation in the noise insulation of private residences, i.e., add it to the listing of abatement measures which may be included in ''Type I'' and ''Type II'' projects, or should Federal participation in the noise insulation of private residences be allowed only after all the other listed abatement measures have been determined not to be reasonable and feasible?

3. Should the FHWA revise its noise regulation to address the noise insulation of private residences in a manner, which is, different from that discussed in the first two questions? If so, how?

Comments Received in Response to the ANPRM

The agency received comments on the proposed revision from one member of Congress, two Federal agencies, one metropolitan planning organization, one insulation contractor, and 15 State departments of transportation (DOT).

The member of Congress supported making a regulatory change to allow private home insulation where ''conventional exterior noise barriers are found to be impractical or excessively expensive.'' This would increase a State DOT's flexibility to participate in alternative noise abatement projects and would provide noise abatement in many instances where it would not be provided under existing FHWA regulations.

The Department of Housing and Urban Development recommended a ''total, multi-modal noise package'' be considered for noise effects and mitigation.

The U.S. Environmental Protection Agency encouraged the provision of more flexibility in the use of noise insulation for private residences, i.e., noise insulation should be available for consideration in all situations.

The metropolitan planning organization supported a regulatory revision to allow greater flexibility in using Federal funds for the noise insulation of private homes.

The insulation contractor strongly supported a revision to routinely provide noise insulation.

One State department of transportation commented that the FHWA's noise regulations should be re-crafted to allow Federal participation in any reasonable and feasible noise abatement methodology, provided specific performance criteria have been satisfied.

The other 14 State DOTs voiced opposition to the proposed regulatory change, indicating the proposed regulatory change will result in the following: (1) A substantial increase in the cost and complexity of the noise abatement program (one State DOT estimated its average annual noise mitigation cost would increase from $1.9 million to $30.6 million, approximately doubling the annual expenditure for all planning, analysis, design, and construction related to all environmental disciplines); (2) a dramatic increase in the amount of time and effort invested to complete noise studies/final abatement designs, with the potential for causing significant and costly project delays; (3) inequities in the noise abatement program, since the costs associated with insulating private residences would vary greatly (this could increase the potential for discrimination complaints); (4) unnecessary additional burdens for States (since building insulation cannot be accurately modeled, its cost would have to be estimated on a house-by-house basis and its application would be far too difficult to manage in a reasonable and cost effective manner); (5) no provision of benefits for the exterior areas of residences; (6) legal concerns related to maintenance of the home insulation and the consideration of future homeowner remodeling/changes; (7) a tremendous administrative burden, since extensive, comprehensive contractual agreements would be required among all involved parties, e.g., State DOTs, consultants, contractors, local government officials, and homeowners, to minimize the possibility of litigation; and (8) unnecessary complications of a noise abatement program that has been easily understood and accepted by the public for an extended period of time. The same 14 State DOTs indicated that the current regulatory guidance is adequate and appropriate and that the noise insulation of private residences should remain a ''technique of last resort.''

Analysis

The agency proposal considered allowing Federal participation in the routine noise insulation of private residences whenever a traffic noise impact occurs. After review of the comments submitted in response to that proposal, it has become apparent that, while increasing the flexibility in providing noise abatement, routinely allowing Federal participation in the noise insulation of private residences would place an unacceptable additional burden on State DOTs and add an unacceptably high cost to the Federal-aid highway program that was not previously anticipated. The additional burden to States would include a tremendous increase in the resources needed to address the administrative, legal, and technical elements of providing noise abatement in private residences. The fifteen-fold increase in annual noise abatement costs estimated by one State DOT is an example of the unacceptable increase in Federal-aid highway program costs.

Conclusion

For the reasons stated above, the FHWA is terminating this rulemaking action and closing the docket.

Authority: 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331, 4332; and 49 CFR 1.48(b).

Issued on: March 18, 2002.

Mary E. Peters,

Federal Highway Administrator.

[FR Doc. 02–7165 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 21

RIN 1076–AD98

Arrangement With States, Territories, or Other Agencies for Relief of Distress and Social Welfare of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs (BIA) proposes to remove regulations on Arrangement with States, Territories, or other agencies for relief of distress and social welfare of Indians. The program governed by this rule is now administered under regulations in Contracts under the Indian Self-Determination and Education Assistance Act. Eliminating this rule will remove any confusion regarding the process for providing certain social services to the tribes.

DATES: Written comments must be submitted on or before May 28, 2002.

ADDRESSES: You may submit your comments on the proposed rule by mail or by hand-delivery to Larry Blair, Chief, Human Services Division, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS–4660–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Larry Blair at (202) 208–2479.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 9. The Secretary has delegated this authority to the Assistant Secretary—Indian Affairs under Part 209 Departmental Manual, Chapter 8.1A, and by memorandum dated January 25, 1994, from Chief of Staff, Department of Interior, to Assistant Secretaries and Heads of Bureaus and Offices.

Background

A proposed rule was published in the **Federal Register** on July 1, 1996 (61 FR 33876), to revise the existing regulation in order to improve its clarity and understanding to the public through the use of Plain English. No comments were received on the July 1, 1996, publication. Due to questions raised by the Solicitor's Office on the impact that this proposed rule could have on the Office of Indian Education Programs, the rule was not finalized. Also, 25 CFR part 21 is no longer necessary because this program now falls under the regulations in 25 CFR part 900, which implement the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203, 25 U.S.C. 450 *et seq.*, as amended). We therefore propose the removal of this part to clarify that tribal governments have total responsibility for operating social service programs.

Finally, this rule has never been used by the Office of Tribal Services, and used only once by the Office of Indian Education Programs. It has never been funded as a viable program.

Regulatory Planning and Review (Executive Order 12866)

This rule was reviewed by the Office of Management and Budget, and determined not to be a significant regulatory action under Executive Order 12866. This rule has not had an effect of $100 million or more on the economy, nor has it adversely or materially affected the economy, productivity, competition, jobs, the environment, public health or safety, of State, local, or tribal governments or communities. The removal of this rule will also not create any serious inconsistency or otherwise interfere with an action taken or planned by another agency. The removal of this rule removes the apparent inconsistency with the Self-Determination and Education Assistance Act, as amended. This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or rights or obligations of their recipients. 25 CFR part 21 deals with the negotiation, execution and planning of social service contracts yet, it has never been funded or used by the social services programs. This rule does not raise novel legal or policy issues because it has been replaced by a law more responsive to the needs of the tribes.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This rule involves the negotiation, execution and planning of social service contracts, between the Federal Government and State or local governments, and does not have an effect upon the regulation of small business, organizations or grant jurisdiction over small governments. State and local governments will not be negatively impacted with the elimination of this rule because it has never been funded. They also are free to apply for grants under the Johnson-O'Malley Act providing no tribe or tribal entities are interested in applying.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804 (2), the Small Business Regulatory Enforcement Fairness Act. This rule provides guidance for social services contracting and has no effect on the costs or prices in local communities. This rule does not have significant adverse effect on competition, employment, investments, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises. This rule does not affect local enterprises and has never been used for operation of social service programs under this part.

Unfunded Mandates Act of 1995

This rule imposes no unfunded mandates on any State, local, or tribal government or private entities and is in compliance with the provisions of the Unfunded Mandates Act of 1995. This rule, if funded and used, would provide the funds needed in the contract to perform the services.

Takings (Executive Order 12630)

The Department has determined that this rule does not have significant ''takings'' implications, or pertain to ''taking'' of private property interests, nor does it affect private property.

This rule involves the negotiation, execution and planning of social service contracts, and does not deal with private property, or trusts. This rule does not affect property rights protected by the Constitution and does not pose a risk of compensable taking.

Federalism (Executive Order 12612)

The Department has determined that this rule does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights and responsibilities of states.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and does not meet the requirements of section 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

This rule has been examined under the Paper Reduction Act of 1995. Information collection was necessary for 25 CFR part 21 to identify how contract funds were to be used, and to measure contractors' performance and plans for future performance. Since its inception, 25 CFR part 21 has never been used by the social service program, and thus the information collections approved for contract funding or performances were allowed to expire, unused.

National Environment Policy Act

The Department has determined that this rule does not constitute a major Federal action significantly affecting the quality of human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Consultation and Coordination with Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Public Comment Solicitation

If you wish to comment on this rule, you may send your comments by mail or hand-deliver them to the person listed in the **ADDRESSES** section of this document. Our practice is to make comments, including names and home addresses of respondents available for public review during regular business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m. EST, excluding Federal holidays. Individual respondents may request that we withhold their home address from the rulemaking record. We will honor the request to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or business, available for public inspection in their entirety.

List of Subjects in 25 CFR Part 21

Indians, Indian-welfare contracts.

For the reasons stated in the preamble and under the authority of 25 U.S.C. 9, the Bureau of Indian Affairs proposes to remove 25 CFR part 21 from Chapter I of Title 25 of the Code of Federal Regulations.

Dated: March 14, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–7208 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–02–004]

RIN 2115–AE46

Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent special local regulations for the St. Mary's Seahawk Sprint, a marine event held on the waters of the St. Mary's River, St. Mary's City, Maryland. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the St. Mary's River during the event.

DATES: Comments and related material must reach the Coast Guard on or before June 24, 2002.

ADDRESSES: You may mail comments and related material to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398–6203. The Operations Oversight Branch, Auxiliary and Recreational Boating Safety Section, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–02–004), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

St. Mary's College of Maryland annually sponsors the St. Mary's Seahawk Sprint, a rowing regatta conducted during the second weekend in April. The St. Mary's Seahawk Sprint consists of intercollegiate crew rowing teams racing along a 2000-meter course on the waters of the St. Mary's River. A fleet of spectator vessels traditionally gathers near the event site to view the competition. To provide for the safety of event participants, spectators and transiting vessels, the Coast Guard proposes to restrict vessel movement in the event area during the crew races.

Discussion of Proposed Rule

The Coast Guard proposes to establish a permanent regulated area on specified waters of the St. Mary's River. The proposed special local regulations will be in effect annually from 7 a.m. to 4 p.m. on the second Saturday in April. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. The Patrol Commander will allow non-participating vessels to transit the regulated area between races, when it is safe to do so. The proposed regulated area is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not

significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this proposed regulation will prevent traffic from transiting a portion of the St. Mary's River during the event, the effect of this proposed regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, would not have a significant economic impact on a substantial number of small entities. Although this proposed regulation will prevent traffic from transiting a portion of the St. Mary's River during the event, the effect of this proposed regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

If you think that your business, organization or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State law or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial and direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraphs (34)(h) and (35)(a) of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit for an event not located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government, are specifically excluded from further analysis and documentation under those sections. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. 100.527 is added to read as follows:

§ 100.527 St. Mary's River, St. Mary's City, Maryland.

(a) Definitions:

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Regulated Area.* The regulated area includes all waters of the St. Mary's River, from shoreline to shoreline, bounded to the south by a line at latitude 38°10′05″ North, and bounded to the north by a line at latitude 38°12′00 ″ North, All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign; and

(ii) Proceed as directed by any Official Patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective Dates.* This section is effective annually from 7 a.m. to 4 p.m. on the second Saturday in April.

Dated: March 13, 2002.

L. Mizell,

Captain, Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 02–7233 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–008]

RIN 2115–AE47

Drawbridge Operation Regulations; Oklawaha River, Marion County, FLa

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations governing the operation of the Muclan Farms swingbridge across the Oklawaha River, mile 63.9, Marion County, Florida by allowing the span to remain permanently in the closed position. The bridge has not received a request for an opening since 1998. This action should accommodate the needs of the bridgeowner and provide for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before May 28, 2002.

ADDRESSES: You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Ave, Room 406, Miami, FL 33131. Comments and material received from the public, as well as documents indicated in the preamble as being available in the docket, are part of [CGD07–02–008] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 406, Miami, FL 33131 between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Bridge Branch, 909 S.E. 1st Ave Miami, FL 33130 Coast Guard, telephone number 305–415–6743.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07–02–008], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Muclan Farms swingbridge is located in a rural section of Marion County. The current regulations in 33 CFR 117.319 require the swingbridge to open if 3 hours advance notice is given to the St. Johns River Water Management District. The Water Management District has not received any requests for an opening since 1998. The Water Management District requested the Coast Guard change the current regulation to allow the bridge to remain closed. The Water Management District is currently negotiating a contract to repair the swingbridge. If the swingbridge is allowed to remain closed, moveable parts may not need to be repaired and the repair costs will decrease. There are obstructions in the waterway and the waterway is not being maintained for navigation.

Discussion of Proposed Rule

The Coast Guard proposes to create a permanent rule allowing the Muclan Farms swingbridge to permanently remain closed. The reference to the Muclan Farms swingbridge in the current regulation at 33 CFR 117.319(a) would be deleted. A new subparagraph at 33 CFR 117.39(c) would be created for the Muclan Farms swingbridge regulation. We will reconsider this proposed rule if navigation on the River resumes.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not

''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because there have been no bridge openings since 1998.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because there have been no bridge openings since 1998. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions, please consult the person listed under: **FOR FURTHER INFORMATION CONTACT.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 117

Bridges

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.319, revise paragraph (a) and add paragraph (c) to read as follows:

§ 117.319 Oklawaha River.

(a) The draw of the Sharpes Ferry (SR 40) bridge, mile 55.1, shall open on signal if at least three hours notice is given.

(b) * * *

(c) The draw of the Muclan Farms bridge, mile 63.9, need not open for the passage of vessels.

Dated: March 11, 2002.

John E. Crowley, Jr.,

Captain, Coast Guard, Acting Commander Seventh Coast Guard District.

[FR Doc. 02–7229 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 175

[USCG–2001–10163]

RIN 2115–AG18

Federal Requirements For Propeller Injury Avoidance Measures

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: The Coast Guard is reopening the period for public comment concerning federal requirements for propeller injury avoidance measures. The president of the National Association of State Boating Law Administrators (NASBLA) asked that we reopen the comment period, which ended March 11, 2002, so its Committee could discuss the proposed rule at its meeting in April 2002 and so NASBLA could submit a comment to the docket. We are reopening the period until May 11, 2002, so that NASBLA and other interested persons can submit comments.

DATES: Comments must reach the docket on or before May 11, 2002.

ADDRESSES: Identify your comments and related material by the docket number for this rulemaking [USCG–2001–10163]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U. S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand-delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Internet Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, at the address listed above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.* You may obtain a copy of this notice by calling the Infoline of the U. S. Coast Guard at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Carlton Perry, Project Manager, Office of Boating Safety, U. S. Coast Guard, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil.* For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled ''Federal Requirements For Propeller Injury Avoidance Measures'' on December 10, 2001 [66 FR 63645]. That document also contains a detailed history of the Coast Guard's previous regulatory efforts in the area of propeller injury prevention.

Reason for Reopening the Comment Period

In response to the notice of proposed rulemaking, we received more than 70 comments, including a request from the President of NASBLA to extend the comment period beyond April 15, 2002, to enable the Boats & Associated Equipment Committee of NASBLA to review the proposal at its meeting and allow NASBLA to submit a comment to the docket. We are reopening the comment period until May 11, 2002, to let the committee discuss the proposed rulemaking at their meeting and for NASBLA to submit a comment to the docket. During this time, we will also accept comments from any other interested party. The Coast Guard requests that you not re-submit comments already in the docket.

Request for Comments

We encourage you to participate in this rulemaking by submitting your comments to the Docket Management Facility as specified in **ADDRESSES**. We will consider comments received during this reopened comment period and may change the proposed rule in response to the comments.

Dated: March 16, 2002.

Kenneth T. Venuto,

Rear Admiral, Coast Guard, Director of Operations Policy.

[FR Doc. 02–7230 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2520, 2521, 2522, 2524, 2525, 2526, 2528, and 2550

RIN 3045–AA32

AmeriCorps Grant Regulations

AGENCY: Corporation for National and Community Service.

ACTION: Proposed rule.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') proposes to amend several provisions relating to the AmeriCorps national service program, including requirements for AmeriCorps grants and rules on how AmeriCorps members may use the AmeriCorps education award.

DATES: Written comments should be received on or before May 28, 2002.

ADDRESSES: Comments may be mailed or delivered to Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, 1201 New York Avenue NW, Washington, DC 20525, sent by facsimile transmission to (202) 565–2784, or sent electronically to *gkowalcz@cns.gov.* Copies of all communications received will be available for review at the Corporation by members of the public.

FOR FURTHER INFORMATION CONTACT: Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, (202) 606–5000, ext. 340. T.D.D. (202) 565–2799. This proposed rule may be requested in an alternative format for persons with visual impairments.

SUPPLEMENTARY INFORMATION: Pursuant to the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 *et seq.*), the Corporation makes grants to support service performed by AmeriCorps members. In addition, the Corporation, through the National Service Trust, provides education awards and certain interest payments to AmeriCorps participants who successfully complete a term of service in an approved national service position.

The proposed rule reflects our efforts to eliminate requirements that are unnecessary and burdensome as well as

to conform our regulations to changes in law. Consistent with Executive Order 13198, entitled ''Agency Responsibilities with respect to Religious and Community Initiatives,'' and issued on January 29, 2001, the Corporation has identified several AmeriCorps regulations that may impede effective religious and other community efforts to solve social problems. To this end, we also sought input from an April 2001 focus group of representatives from sixteen religious and small community-based organizations on how we could remove barriers to their participation. While some of the ideas suggested by the group would require statutory amendments, other ideas concern regulatory items that are not dictated by statute. In addition, we identified several changes to regulations that reflect recent changes in statute or that otherwise will promote the efficiency of national service programs.

The proposed rule:

1. Provides flexibility in the types of AmeriCorps member activities authorized in connection with disaster relief, homeland defense, or other compelling community needs.

2. Explicitly recognizes that religious organizations are eligible to receive AmeriCorps grants.

3. Eliminates the ''six month rule'' as a requirement for grantees.

4. Expands the types of educational expenses that may be paid with the education award.

5. Modifies the education award refund rules in the event a member does not complete a period of enrollment at an institution of higher education.

6. Provides that an AmeriCorps member's declaration under penalty of law may constitute sufficient documentation of that individual's attainment of a high school degree for purposes of enrolling as an AmeriCorps member and using the education award.

7. Modifies and strengthens the requirements relating to prohibited activities and clarifies that these requirements apply only to AmeriCorps programs funded under subtitle C of the National and Community Service Act.

8. Eliminates obsolete references to Palau.

9. Amends the regulations in conformance with the National and Community Service Act of 1990, as amended, to recognize that a Territory that establishes a state commission is eligible to apply for administrative grant funds to support the activities of the state commission.

10. Amends the definition of ''Institution of Higher Education'' to conform with the Higher Education Amendments of 1998.

Flexibility in Types of AmeriCorps Activities

The proposed rule broadens the circumstances under which AmeriCorps members may engage in activities that provide an indirect benefit to their community. The Corporation may approve such activities with respect to disaster relief, homeland defense, and other compelling community needs.

Eligibility of Religious Organizations for AmeriCorps Grants

The proposed rule inserts references to religious organizations in several lists of types of organizations eligible to apply for AmeriCorps grants. This affirms that religious organizations are eligible on the same basis as any other private nonprofit organization to apply for AmeriCorps grants and operate AmeriCorps programs.

Elimination of ''Six Month Rule''

The proposed rule eliminates a requirement under which grantees could not select any prospective AmeriCorps member who is or was previously employed by a prospective project sponsor within six months of the member's enrollment in the program. Our experience has shown this requirement to be burdensome for grantees. We believe that there are more effective and efficient ways to ensure that grantees are complying with rules against displacement, without imposing a blanket ''six month rule.'' By continuing to require grantees to show how a proposed project will address unmet needs and by enforcing existing rules against displacement, the Corporation can ensure that any former employees enrolled as AmeriCorps member will perform service that goes well beyond—in both degree and kind—their former job duties.

Use of Education Award for Educational Courses Offered by Title IV Institutions of Higher Education

AmeriCorps members may use their education award to pay ''current educational expenses'' at institutions of higher education that have entered into program participation agreements with the U.S. Department of Education under Title IV of the Higher Education Act (HEA). In 1999, by regulation, we limited such expenses to those recognized in the ''cost of attendance'' definition under Title IV. As a result, AmeriCorps members pursuing educational interests outside a Title IV eligible program were precluded from using their education award for their educational expenses.

We revisited this rule based on input from AmeriCorps members who want to use the education award to pay for continuing education and other non-Title IV eligible courses at Title IV institutions of higher education. We have concluded that section 148 of the National and Community Service Act (42 U.S.C. 12604), while tying the payment of current educational expenses to Title IV institutions of higher education, can be read to allow payment of educational expenses outside the definition of ''cost of attendance.'' Such a reading will also advance the national service legislation's purpose of including all Americans, since older participants or participants with disabilities might be more likely to pursue educational opportunities outside degree-granting courses of study. This proposed rule allows the education award to be used to pay (1) the cost of attendance as currently permitted for individuals in Title IV eligible programs; and (2) other educational expenses attributable to courses offered by Title IV institutions of higher education. There is no change to the requirement, based in statute, that expenses be ''current,'' that is, incurred after an individual enrolls in an AmeriCorps position.

Refunds to the National Service Trust

The current rule derives from the requirement in the NCSA that the Corporation provide, by regulation, for the refund to the Corporation of education awards disbursed to institutions of higher education, in the event that the student eligible for the education award withdraws or otherwise fails to complete the period of enrollment. The NCSA required the Corporation's refund regulations to be consistent with the fair and equitable refund policies required under section 484B of the HEA. That section of the HEA was amended in 1998 and now only applies to refunds of title IV funds. Consequently, the Corporation is amending its regulations to provide that refunds of the education award to the Corporation will be made consistent with each institution of higher education's published refund policy, or in the absence of such a published policy, on a pro-rata basis.

Declaration Sufficient Documentation of Member's Attainment of High School Diploma

To enroll in AmeriCorps, an individual must have obtained a high school diploma (or its equivalent) or agree to do so prior to using the

education award. Additionally, to use an education award, an individual must have obtained a high school diploma (or its equivalent). Because the education award is principally designed for use in connection with attending an institution of higher education, and high school attainment is normally a prerequisite for such attendance, the proposed rule provides that an individual's written declaration under penalty of law is sufficient to establish this element of eligibility without additional documentation.

Clarification of Statutory List of Prohibited Activities

We first issued regulations in Part 2520 regarding prohibited activities in 1994 when virtually all AmeriCorps grants activities were conducted under subtitle C of the National and Community Service Act. Since 1994, we initiated several AmeriCorps programs, including the AmeriCorps Education Awards program and the AmeriCorps Promise Fellows program, under demonstration authority in subtitle H of the National and Community Service Act. We also added in sub-regulatory provisions several items to the statutory list of prohibited activities. The proposed rule strengthens the list of prohibited activities by including these additions, and clarifies that requirements relating to prohibited activities in subtitle C of the Act apply only to grant programs funded under subtitle C. Demonstration AmeriCorps grants programs continue to be governed by the general administrative provisions, including restrictions on activities, in Part 2540.

Elimination of Obsolete References to Palau

The proposed rule eliminates references to Palau, which became independent on October 1, 1994 and is no longer eligible as a U.S. Territory for AmeriCorps grants.

Eligibility of Territories for Administrative Funds

Under the National and Community Service Act of 1990, as amended, (NCSA), states, including territories, are eligible to apply for grants to establish and operate a state commission or alternative administrative entity. 42 U.S.C. 12576. Currently, however, 45 CFR § 2550 does not recognize that territories are eligible to apply for grants to support a state commission or alternative administrative entity. We are amending the regulations to include territories as entities eligible to apply for grants under this section, in order to comply with the NCSA.

Definition of Institution of Higher Education

The Higher Education Amendments of 1998 (Pub. L. 105–244) amended the National and Community Service Act of 1990, as amended by changing the reference to the definition of ''Institution of Higher Education'' from section 1201(a) of the Higher Education Act, to section 101 of the Higher Education Act. We have amended the regulations to conform with this statutory amendment.

Executive Order 12866

The Corporation has determined that this regulatory action is not a ''significant'' rule within the meaning of Executive Order 12866 because it is not likely to result in: (1) An annual effect on the economy of $100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

The Corporation has determined that this regulatory action will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, the Corporation has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Other Impact Analyses

Because the proposed changes do not authorize any information collection activity outside the scope of existing regulations, this regulatory action is not subject to review and approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3500 *et seq.*). If the Corporation proposes to modify any of the forms used in connection with determining eligibility of individuals for payments from the National Service Trust, the Corporation will comply with clearance procedures as provided under the Paperwork Reduction Act.

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding $100 million on the private sector.

List of Subjects

45 CFR Part 2510

Grant programs-social programs, Volunteers.

45 CFR Part 2520

Grant programs-social programs, Volunteers.

45 CFR Part 2521

Grant programs-social programs, Volunteers.

45 CFR Part 2522

Grant programs-social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2524

Grant programs-social programs, Technical assistance, Volunteers.

45 CFR Part 2525

Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2526

Education, Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2528

Education, Grant programs-social programs, Student aid, Volunteers.

45 CFR Part 2550

Administrative practice and procedure, Grant programs-social programs.

For the reasons stated in the preamble, the Corporation for National and Community Service proposes to amend chapter XXV, title 45 of the Code of Federal Regulations as follows:

PART 2510—OVERALL PURPOSES AND DEFINITIONS

1. The authority citation for part 2510 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2510.20 by revising the definition of ''Institution of Higher Education,'' and by adding the definition ''Subtitle C Program'' after the definition ''Subdivision of a State'' to read as follows:

§ 2510.20 Definitions

* * * * *

Institution of higher Education. The term *institution of higher education* has the same meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

* * * * *

Subtitle C Program. The term *subtitle C program* means an AmeriCorps program authorized and funded under subtitle C of the National and Community Service Act of 1990, as amended. (NCSA) (42 U.S.C. 12501 *et seq.*) It does not include demonstration programs, or other AmeriCorps programs, funded under subtitle H of the NCSA.

* * * * *

PART 2520—GENERAL PROVISIONS: AMERICORPS SUBTITLE C PROGRAMS

1. The authority citation for part 2520 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Revise the heading of part 2520 to read as shown above.

3. Revise § 2520.10 to read as follows:

§ 2520.10 What is the purpose of the AmeriCorps subtitle C program described in parts 2520 through 2524 of this chapter?

The purpose of the AmeriCorps subtitle C program is to provide financial assistance under subtitle C of the National and Community Service Act to support AmeriCorps programs that address educational, public safety, human, or environmental needs through national and community service, and to provide AmeriCorps education awards to participants in such programs.

4. Revise § 2520.20 to read as follows:

§ 2520.20 What types of service activities are allowed for AmeriCorps subtitle C programs supported under parts 2520 through 2524 of this chapter?

(a) Except as provided in paragraph (b) of this section, the service must either provide a direct benefit to the community where it is performed, or involve the supervision of participants or volunteers whose service provides a direct benefit to the community where it is performed. Moreover, the approved AmeriCorps activities must result in a specific identifiable service or improvement that otherwise would not be provided and that does not duplicate the routine functions of workers or displace paid employees. Programs must develop service opportunities that are appropriate to the skill levels of participants and that provide a demonstrable, identifiable benefit that the community values.

(b) In certain circumstances, some activities may not provide a direct benefit to the communities in which the service is performed. Such activities may include, but are not limited to, clerical work and research. However, a participant may engage in such activities only if the performance of the activity is incidental to the program's provision of service that does provide a direct benefit to the community in which the service is performed, or if the Corporation approves such activities in connection with disaster relief, homeland defense, or other compelling community needs.

5. Revise § 2520.30 to read as follows:

§ 2520.30 What activities are prohibited in AmeriCorps subtitle C programs?

While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities associated with the AmeriCorps program or the Corporation, staff and members may not engage in the following activities—

(a) Attempting to influence legislation;

(b) Organizing or engaging in protests, petitions, boycotts, or strikes;

(c) Assisting, promoting, or deterring union organizing;

(d) Impairing existing contracts for services or collective bargaining agreements;

(e) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;

(f) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;

(g) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;

(h) Providing a direct benefit to—

(1) A business organized for profit;

(2) A labor union;

(3) A partisan political organization;

(4) A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

(5) An organization engaged in the religious activities described in paragraph (g) of this section, unless Corporation assistance is not used to support those religious activities; and

(i) Such other activities as the Corporation may prohibit.

PART 2521—ELIGIBLE AMERICORPS SUBTITLE C PROGRAM APPLICANTS AND TYPES OF GRANTS AVAILABLE FOR AWARD

1. The authority citation for part 2521 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Revise the heading of part 2521 to read as shown above.

3. Amend § 2521.10 by revising the heading and paragraph (a) to read as follows:

§ 2521.10 Who may apply to receive an AmeriCorps subtitle C grant?

(a) States (including Territories), subdivisions of States, Indian tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education are eligible to apply for AmeriCorps subtitle C grants. However, the fifty States, the District of Columbia and Puerto Rico must first receive Corporation authorization for the use of a State Commission or alternative administrative or transitional entity pursuant to part 2550 of this chapter in order to be eligible.

* * * * *

4. Amend § 2521.20 as follows:

a. By revising the heading, paragraph (a)(2)(ii) and the first sentence of paragraph (b)(2)(ii);

b. Removing paragraph (c); and

c. Redesignating paragraphs (d) and (e) as (c) and (d) respectively.

The revisions read as follows:

§ 2521.20 What types of AmeriCorps subtitle C program grants are available for award?

* * * * *

(a) * * *

(2) * * *

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education

may apply either to a State or directly to the Corporation for planning grants.
* * * * *

(b) * * *

(2) * * *

(ii) Subdivisions of States, Indian Tribes, public or private nonprofit organizations (including religious organizations and labor organizations), and institutions of higher education may apply either to a State or directly to the Corporation for operational grants. * * *
* * * * *

5.Amend § 2521.30 by revising the heading, the introductory text, paragraph (b)(1), footnote 1, and the first sentence of paragraph (b)(3) to read as follows:

§ 2521.30 How will AmeriCorps subtitle C program grants be awarded?

In any fiscal year, the Corporation will award AmeriCorps subtitle C program grants as follows:
* * * * *

(b) * * *

(1) One percent of available funds will be distributed to the U.S. Territories [1] that have applications approved by the Corporation according to a population-based formula.[2]
* * * * *

(3) The Corporation will use any funds available under this part remaining after the award of the grants described in paragraphs (a) and (b) (1) and (2) of this section to make direct competitive grants to subdivisions of States, Indian tribes, public or private nonprofit organizations (including religious organizations and labor organizations), institutions of higher education, and Federal agencies. * * *
* * * * *

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

1. The authority citation for part 2522 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2522.100 by revising the heading and the first sentence of the introductory text, and removing the last sentence of paragraph (g)(1) to read as follows:

§ 2522.100 What are the minimum requirements that AmeriCorps subtitle C grantees must meet?

Although a wide range of programs may be eligible to apply for and receive support from the Corporation, all AmeriCorps subtitle C programs must meet certain minimum program requirements. * * *
* * * * *

3. Amend § 2522.200 by redesignating paragraphs (b) through (d) as (c) through (e) respectively, adding a new paragraph (b), and revising the heading of the newly redesignated (e) to read as follows:

§ 2522.200 What are the eligibility requirements for an AmeriCorps participant?

* * * * *

(b) Written declaration regarding high school diploma sufficient for enrollment. For purposes of enrollment, if an individual provides a written declaration under penalty of law that he or she meets the requirements in paragraph (a) of this section relating to high school education, a program need not obtain additional documentation of that fact.
* * * * *

(e) Secondary documentation of citizenship or immigration status. * * *
* * * * *

PART 2524—AMERICORPS TECHNICAL ASSISTANCE AND OTHER SPECIAL GRANTS

1. The authority citation for part 2524 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend § 2524.10 by revising paragraph (a) introductory text to read as follows:

§ 2524.10 For what purposes will technical assistance and training funds be made available?

(a) To the extent appropriate and necessary, the Corporation may make technical assistance available to States, Indian tribes, labor organizations, religious organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities eligible to apply for assistance under parts 2521 and 2522 of this chapter that desire—
* * * * *

PART 2525—NATIONAL SERVICE TRUST: PURPOSE AND DEFINITIONS

1. The authority citation for part 2525 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

2. Amend § 2525.20 by revising the definition ''Current educational expenses'' and by adding the definitions ''Educational Expenses'' after the definition of ''Education Award'' and ''Period of Enrollment'' after the definition of ''Institution of Higher Education'' to read as follows:

§ 2525.20 Definitions.

* * * * *

Current educational expenses. The term *current educational expenses* means the cost of attendance, or other costs attributable to an educational course offered by an institution of higher education that has in effect a program participation agreement under Title IV of the Higher Education Act, for a period of enrollment that begins after an individual enrolls in an approved national service position.
* * * * *

Educational expenses at a Title IV institution of higher education. The term *educational expenses* means—

(1) Cost of attendance as determined by the institution, or

(2) Other costs attributable to a non-title IV educational course as follows:

(i) Tuition and fees normally assessed a student for a course or program of study by the institution, including costs for rental or purchase of any books or supplies required of all students in the same course of study;

(ii) For a student engaged in a course of study by correspondence, only tuition and fees and, if required, books, and supplies;

(iii) For a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies; and

(iv) For a student engaged in a work experience under a cooperative education program or course, an allowance for reasonable costs associated with such employment (as determined by the institution).
* * * * *

Period of Enrollment. Period of enrollment means the period that the title IV institution has established for which institutional charges are generally assessed (i.e., length of the student's course, program, or academic year.)
* * * * *

PART 2526—ELIGIBILITY FOR AN EDUCATION AWARD

1. The authority citation for part 2526 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

[1] The United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[2] The amount allotted as a grant to each such territory or possession is equal to the ratio of each such Territory's population to the population of all such territories multiplied by the amount of the one percent set-aside.

2. Amend § 2526.10 by redesignating paragraphs (c) and (d) as paragraphs (d) and (e) respectively, and adding a new paragraph (c) to read as follows:

§ 2526.10 Who is eligible to receive an education award from the National Service Trust?

* * * * *

(c) *Written declaration regarding high school diploma sufficient for disbursement.* For purposes of disbursing an education award, if an individual provides a written declaration under penalty of law that he or she meets the requirements in paragraph (b) of this section relating to high school education, no additional documentation is needed.

* * * * *

PART 2528—USING AN EDUCATION AWARD

1. The authority citation for part 2528 continues to read as follows:

Authority: 42 U.S.C. 12601–12604.

2. Amend § 2528.10 by revising paragraph (a)(2) to read as follows:

§ 2528.10 For what purposes may an education award be used?

(a) * * *

(2) To pay all or part of the current educational expenses at an institution of higher education in accordance with § 2528.30 through § 2528.50;

* * * * *

3. Amend § 2528.30 by revising the heading, paragraph (a), introductory text, and paragraphs (a)(2)(iii), (iv), and (v) to read as follows:

§ 2528.30 What steps are necessary to use an education award to pay all or part of the current educational expenses at an institution of higher education?

(a) *Required information.* Before disbursing an amount from an education award to pay all or part of the current educational expenses at an institution of higher education, the Corporation must receive—

* * * * *

(2) * * *

(iii) If an individual who has used an education award withdraws or otherwise fails to complete the period of enrollment for which the education award was provided, the institution of higher education will ensure an appropriate refund to the Corporation of the unused portion of the education award under its own published refund policy, or if it does not have one, provide a pro-rata refund to the Corporation of the unused portion of the education award;

(iv) Individuals using education awards to pay for the current educational expenses at that institution do not comprise more than 15 percent of the institution's total student population;

(v) The amount requested will be used to pay all or part of the individual's cost of attendance or other educational expenses attributable to a course offered by the institution;

* * * * *

4. Amend § 2528.50 by revising paragraph (a) to read as follows:

§ 2528.50 What happens if an individual withdraws or fails to complete the period of enrollment in an institution of higher education for which the Corporation has disbursed all or part of that individual's education award?

(a)(1) If an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete a period of enrollment, an institution of higher education that receives a disbursement of education award funds from the Corporation must provide a refund to the Corporation in an amount determined under that institution's published refund requirements.

(2) If an institution for higher education does not have a published refund policy, the institution must provide a pro-rata refund to the Corporation of the unused portion of the education award.

* * * * *

5. Amend § 2528.60 by revising paragraph (a)(2)(iii) to read as follows:

§ 2528.60 What steps are necessary to use an education award to pay expenses incurred in participating in an approved school-to-work program?

(a) * * *

(2) * * *

(iii) If an individual who has used an education award withdraws or otherwise fails to complete the period of enrollment for which the education award was provided, the school-to-work program will ensure an appropriate refund to the Corporation of the unused portion of the education award under its own published refund policy, or if it does not have one, provide a pro-rata refund to the Corporation of the unused portion of the education award;

* * * * *

6. Amend § 2528.70 by revising paragraph (a) to read as follows:

§ 2528.70 What happens if an individual withdraws or fails to complete the period of enrollment in an approved school-to-work program for which the Corporation has disbursed all or part of that individual's education award?

(a)(1) If an individual for whom the Corporation has disbursed education award funds withdraws or otherwise fails to complete a period of enrollment, an approved school-to-work program that receives a disbursement of education award funds from the Corporation must provide a refund to the Corporation determined under that program's published refund policy.

(2) If a school-to-work program does not have a published refund policy, the program must provide a pro-rata refund to the Corporation of the unused portion of the education award.

* * * * *

PART 2550—REQUIREMENTS AND GENERAL PROVISION FOR STATE COMMISSIONS, ALTERNATIVE ADMINISTRATIVE ENTITIES AND TRANSITIONAL ENTITIES

1. The authority citation for part 2550 continues to read as follows:

Authority: 42 U.S.C. 12501 *et seq.*

2. Amend section 2550.10 by revising the first sentence of paragraph (c) to read as follows:

§ 2550.10 What is the purpose of this part?

* * * * *

(c) The Corporation will distribute grants of between $125,000 and $750,000 to States to cover the Federal share of operating the State Commissions, AAEs, or Transitional Entities. * * *

3. Amend § 2550.20 by revising paragraph (k) to read as follows:

§ 2550.20 Definitions.

* * * * *

(k) State. As used in this part, the term State refers to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

* * * * *

Dated: March 13, 2002.

Gary Kowalczyk,

Director of Planning and Program Integration.

[FR Doc. 02–6604 Filed 3–25–02; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 030502B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Atlantic Coastal Fisheries Cooperative Management; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the American lobster (lobster) fishery under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator has made a preliminary decision to issue EFPs that would allow up to 100 current federally permitted lobster and/or Maine lobster/crab license holders to conduct fishing operations otherwise restricted by the regulations governing the lobster fishery. EFPs would allow federally permitted and/or state-only lobster/crab licensed vessels to fish modified lobster traps to target Jonah crabs to collect important fishery and biological data on the sustainability and practicality of a directed Jonah crab fishery in Exclusive Economic Zone (EEZ) Nearshore Management Area 1 (ENMA1).

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before April 10, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile (fax) to (978) 281–9135. Copies of the proposal and the draft Environmental Assessment are available from the Northeast Regional Office at the address stated above.

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Policy Analyst, 978–281–9244.

SUPPLEMENTARY INFORMATION: The Maine Division of Marine Resources (MEDMR) submitted an original application on December 6, 2000, for EFPs to conduct an experimental fishery for Jonah crab in Federal waters of the EEZ. Subsequent amendments to this application were dated April 30, 2001; May 29, 2001; July 9, 2001; and February 13, 2002. Revisions to the original application included: (1) Scaling back the fishery from unlimited participation to 100 participants; (2) an Environmental Assessment was prepared to describe the impacts attributable to the experimental fishery beyond those analyzed under the Draft Final Environmental Impact Statement prepared for the lobster fishery regulations under ACFCMA; (3) addition/removal of gear restrictions to comply with Atlantic Large Whale Take Reduction Plan (ALWTRP) requirements; (4) addition of socioeconomic data to the logbook; (5) addition of a one-time demographic and ethnographic profile survey and fixed-cost survey; (6) reduced minimum soak times to 10 days from 2 weeks and then later changed soak time to a maximum of 2 weeks (operational soak times of less than 1 week); (7) added a requirement that participants pass Level 1 training in identification and disentanglement of whales and sea turtles; (8) clarified that both Jonah crab buoys and Jonah crab traps would be clearly marked as ''CRAB''; (9) requested that state-only licensed vessels be allowed to participate in the Federal portion of ENMA1; and (10) specified that the 40 percent ''exploratory'' (i.e., not yet field tested for targeting Jonah crabs) traps would be of a top-entry design instead of the previous proposal to have the design be at the discretion of the participant. In addition, a January 30, 2002, memorandum clarified that the submission dated December 5, 2001, will be considered a Memorandum of Understanding concerning the Reasonable and Prudent Alternatives outlined in the draft Biological Opinion for the Jonah crab experimental fishery.

The Jonah crab, *Cancer borealis*, is currently an unregulated species in the EEZ and little is known about its biology, distribution, and relative abundance. MEDMR believes it is important to obtain a better understanding of the Jonah crab resource and the feasibility of developing a potential sustainable fishery. Due to a recent increase in Jonah crab abundance and market demand, it may be profitable for lobster fishermen to target Jonah crabs with modified lobster traps during times of low lobster landings (generally in the spring).

Under current State of Maine lobster management (Atlantic States Marine Fisheries Commission (ASMFC) Amendment 3), all traps (defined as structures or other devices, other than nets, that are placed, or intended to be placed, on the ocean bottom) that are designed for or are capable of catching lobsters must contain a lobster trap tag unless exempted. With a limit of 800 trap tags (and in some cases fewer), fishermen who are interested in helping explore and develop the Jonah crab fishery in the EEZ cannot do so unless they receive the necessary exemptions from the Federal lobster regulations at 50 CFR 697.19. The EFPs would facilitate the collection of data on modified lobster trap designs (side-entry and top-entry) to establish acceptable bycatch thresholds of lobsters and allow for the development of a species-specific Jonah crab trap, which would be exempted from the lobster regulations. In addition, the issuance of EFPs for the testing of modified lobster traps under commercial conditions could: (1) Contribute to the development of year-round Jonah crab markets; (2) provide additional economic opportunities for lobster and Jonah crab fishermen who are currently being held to a maximum trap limit; and (3) provide important biological and demographic data on the Jonah crab resource, thus contributing to baseline information on the Jonah crab life cycle and population structure. The overall goal of the experiment is to develop a permanent Jonah crab fishery that could someday ease pressure and decrease reliance on the harvesting of lobsters by allowing fishermen to diversify fleet options through their pursuit of new markets.

The experiment would expand on pilot studies in nearshore and offshore waters (within 3 nautical miles from shore) of the Gulf of Maine, which were conducted in spring and summer 2000. These pilot studies tested various gear modifications in areas of both high and low seasonal lobster abundance. The

results of this preliminary research suggested that a modified side-entry trap may be the best design for targeting Jonah crabs with negligible lobster bycatch.

The proposed experiment would be conducted in ENMA1, defined at 50 CFR 697.18(a), for 1 year from the date of EFP issuance, and would be carried out according to the specifications detailed below. The experimental area would be concentrated along the Maine coast between the western and eastern boundaries of the ENMA1. The results of the NMFS trawl survey suggest that Jonah crabs are most abundant at depths of 60-200 m, which occur about 3 to 20 nautical miles offshore.

While at least 60 percent of the traps used in the experiment would have the preferred modified side-entry trap design, the remaining 40 percent of experimental traps could incorporate a top-entry design that has proven effective in decreasing lobster bycatch in State crab fisheries. The following side-entry trap dimensions were developed through preliminary research and modeling and are in compliance with current lobster trap requirements: (1) Side-entry hoops not to exceed 2.5 inches (6.35 cm) in height; (2) a minimum of two, 3.25–inch (8.26–cm) circular escape vents in the parlor and kitchen of the trap; and (3) a minimum of one standard 1.94–inch (4.93–cm) x 5.75–inch (14.61–cm) rectangular escape vent in the parlor of the trap. Although preliminary testing of side-entry traps was conducted with escape vents of 3.0 inches (7.62 cm) in diameter, a projected escape pattern model based on Jonah crab carapace length and width revealed that the 3.25–inch (8.26–cm) escape vent would be most efficient at retaining legal crabs and excluding lobsters. The top-entry ''exploratory'' traps would be required to have a minimum circular entrance-opening diameter of 3.6–inches (9.14–cm), as well as the same circular and rectangular escape vent requirements outlined above for modified side-entry traps.

In response to MEDMR's July 30, 2001, request that NMFS initiate an ESA section 7 consultation on this fishery, a draft Biological Opinion on the Jonah crab fishery concluded that the proposed EFP activities, described in the original application and all subsequent amendments, are likely to jeopardize the continued existence of the endangered western North Atlantic right whale. Therefore, the proposed Reasonable and Prudent Alternative (RPA) is designed to avoid the likelihood that the Jonah crab experimental fishery will jeopardize the continued existence of the western North Atlantic right whale. The proposed measure is intended to remove the potential for entanglement of western North Atlantic right whales in Jonah crab trap gear during the period when the whales are most likely to occur in the experimental fishing area. The proposed RPA would limit Jonah crab experimental fishery participants to no more than their current lobster trap allocation (800 traps or fewer), unless the fisher uses either neutrally buoyant or sinking groundline for any traps in excess of his/her lobster trap allocation, during those times that western North Atlantic right whales are expected to be in the experimental fishing area (June 1 through October 31).

Vertical lines (e.g., buoy lines) and horizontal lines (e.g., lobster pot trawl groundlines) in the water column have been shown to adversely affect Endangered Species Act (ESA)-listed marine mammals and sea turtles, and precautions must be taken to prevent gear entanglements with these species. It is generally believed that floating line poses more of an entanglement risk to sea turtles and whales than sinking or neutrally buoyant line because it is loosely suspended in the water column, making it more likely to be encountered by a whale or sea turtle swimming through the area. Thus, the use of sinking or neutrally buoyant line rather than floating line as a condition of the EFP would reduce the chances of entanglement.

Additional gear restrictions that would meet the requirements of the Atlantic Large Whale Take Reduction Plan (ALWTRP), as well as additional measures to minimize the risk to protected species are as follows: (1) A minimum of 10 traps per vertical line; (2) no interspersed lobster traps per single line of Jonah crab traps; (3) a MEDMR requirement to clearly mark each buoy with the word ''CRAB'' under the State lobster/crab license number; (4) maximum soak times of 2 weeks (operational soak time will less than 1 week); and (5) a MEDMR requirement to mark each Jonah crab trap with the State lobster/crab license number and the word ''CRAB.''

The following additional conservation measures would be required of all Jonah crab experimental participants. Unlike lobsters, most crabs reach reproductive size before the size of harvest. Therefore, the MEDMR is recommending that there be a minimum legal carapace width of 5 inches (127 mm), no retention of females, and no retention of regulated species, in particular lobster. MEDMR would require participating fishermen to record catch information including, but not limited to, numbers of trap hauls, type of trap, soak times, and bycatch (specifically, count of undersized and legal-sized lobsters). The MEDMR would designate a minimum of 2 observer days per month to this experimental fishery. Observer data collected would complement the MEDMR-supplied logbooks, and would include detailed fisheries, trap design and fishing methods information on randomly sampled individual trap hauls. For each trap haul sampled, all crabs and lobster bycatch retained would be measured for carapace width (length for lobsters), sex, molt condition, and egg development. All illegal crabs and all bycatch, including all lobsters incidental to the catch of Jonah crabs, would be returned to the sea promptly after data collection. In addition, a one-time MEDMR survey will provide baseline demographic and ethnographic profiles on the Jonah crab fishery, and information on fixed costs (gear modifications, rope, etc.).

While alternative top-entry trap designs have proven to be less capable of catching lobsters, the MEDMR proposed that these ''exploratory'' traps be monitored directly by periodic onboard observer trips. In addition, the Maine Marine Patrol (MMP) would routinely haul gear to ensure compliance with experimental crab trap specifications and gear restrictions described above. A cooperative agreement that was signed on March 8, 2001, between NMFS and the MMP will allow State enforcement officials to enter Federal waters and act as deputized Federal law enforcement agents in upholding the regulations promulgated under the Magnuson-Stevens Act, ACFCMA, ESA, Marine Mammal Protection Act, National Marine Sanctuaries Act, and the Lacey Act.

The EFPs would exempt up to 100 vessels from the requirements of the lobster fishery regulations according to the provisions at 50 CFR parts 600.745 and 697.22, as follows: (1) Permit, tagging and trap limit requirements under § 697.4(a) and (d), and § 697.19(a)(2) and (c); (2) temporary possession of lobster less than the minimum carapace size specified at § 697.20(b)(1) and (2) for data collection purposes; (3) trap tag identification requirements at § 697.21(a)(2); and (4) deployment and gear configuration requirements at § 697.21(b)(2).

Based on the results of this EFP, this action may lead to future rulemaking.

Dated: March 19, 2002.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–7133 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agriculture Research Service

Notice of Intent To Seek Approval To Collect Information

AGENCY: Nutrient Data Lab (NDL), Beltsville Human Nutrition Research Center, Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR (60 FR 44978, August 29, 1995), this notice announces the Nutrient Data Laboratory's intent to request approval for a new information collection from consumers of municipal and tap water supplies throughout the U.S. The study will provide data on the fluoride content of the U.S. water supply for development of a comprehensive database of the fluoride concentration of beverages and foods consumed in the U.S., to be released on USDA–NDL's website.

DATES: Comments on this notice must be received by the agency 30 days after date of publication in the **Federal Register** to be assured of consideration.

ADDRESSES: Address all public comments concerning this notice to Dr. Pamela Pehrsson, Nutrient Data Lab, U.S. Department of Agriculture, Room 309A Bldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0716 (v) or 301–504–0713 (f). Submit electronic comments to *ppehrsson@rbhnrc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Pamela Pehrsson, Nutrient Data Lab, U.S. Department of Agriculture, Room 309A Buldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0716 (v) or 301–504–0713 (f), *ppehrsson@rbhnrc.usda.gov* or Rena Cutrufelli, Nutrient Data Lab, U.S. Department of Agriculture, Room 208A Bldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0693 (v) or *rcutrufelli@rbhnrc.usda.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Tap Water Sampling for the USDA Fluoride Database.

OMB Number: Not yet assigned.

Expiration Date: N/A.

Type of Request: Approval for collection of water samples and supporting information from U.S. consumers in the who use water from the tap (including a municipal water supply, well water, etc.) for drinking and cooking.

Abstract: NDL will develop a database of the fluoride content of public drinking water supplies and other beverages and foods in the U.S. The proposed work is a collaborative effort between investigators at the Nutrition Coordinating Center (NCC) at the University of Minnesota, and at the Nutrient Data Laboratory at the Agricultural Research Service, US Department of Agriculture (USDA–NDL). This research is designed as a national analytical survey of fluoride in chief contributors to the U.S. diet and based on preliminary work done at USDA–NDL and NCC. This national fluoride database will be released on USDA–NDL's website and will be adapted to support the NCC fluoride assessment methodology. These products will provide an important data resource for nutrition-related research, planning, and policy nationwide. Development of the fluoride database is underway and funded by The National Institute of Dental and Craniofacial Research (NIDCR), NIH.

The fluoride content of the U.S. water supply is important in research of the dental health of children who may be at risk for dental caries (too little fluoride) or overexposure to fluoride, which results in permanent mottling of the teeth. Individuals of all ages are affected by the fluoride content of the water supply because water, in addition to being a highly consumed beverage by itself, is the base of many other high consumption beverages (e.g., carbonated beverages, teas, coffee, and processed fruit drinks). The level of fluoride supplementation and filtration practices for municipal water and for water-based beverages has not always been documented so the analytical results of previous studies may not be meaningful. In addition, previously determined data on the fluoride content of drinking water are local or regional and not the result of a statistically determined, nationally representative approach to sample collection. No seasonal (over time) variability assessment has been documented using national data.

The fluoride of household tap water used for cooking and drinking is the core of this database and detailed documentation about the source and use of the water is critical in the validation the resulting data. The need for this type of information in developing a database usable to the dental research and service communities is pressing.

The sampling approach and frame for this study were developed by statisticians at the National Agricultural Statistics Service, USDA. All county samples were drawn using a minimum replacement probability proportional to size procedure (PMR). The county sizes were taken from 2000 Census county population files given on the Census web site. Each sample contains 72 counties for use in picking up two water samples per county. Within each county, two participants, yielding a total of 144, will be recruited through a phone survey using a randomized listing of all county residents.

Adult individuals, who are considered in a position of responsibility for the household and have agreed to participate will complete a questionnaire which focuses on their source of drinking/cooking water and any treatment of the water. They will fill two 250 ml bottles with tap water from the kitchen faucet.

The bottles and survey will be shipped in a prepaid, prelabeled package (provided to the consumer) to Virginia Polytechnic Institute and State University for analysis. The fluoride survey was modified and abbreviated from a test study of tap water to more effectively phrase the questions and eliminate questions which were not, in retrospect, providing useful information. All responses will be confidential. To ensure confidentiality, fluoride data attached to a consumer code to prevent identification of individuals will be reported only in table format. The data will not be used to assess the quality of a family's socioeconomic status or any other characteristic of that individual's home.

Individual consumers will be informed of these confidentiality assurances in the precollection letters. Participants will be awarded an incentive which will be an emergency or travel pack for their automobile (value estimated around $12) for each collection. The pack will not display a company endorsement, but will display a USDA logo. The choice of a similar product equal to or slightly higher in value will be offered as a choice for the second collection.

Estimate of Burden: For the fluoride survey in this study, burden on the respondents will consist of completing the questionnaire along with collection of water samples in two bottles supplied by NDL. The total time for survey completion and water collection is estimated to take 30 minutes or less.

Respondents: Randomly selected consumers in the U.S. public within statistically defined areas (Census-based).

Estimated Number of Respondents: 144 in total, each participating in the information and water collection twice over a 3–6 month period.

Estimated Total Annual Burden on Respondents: 144 × 30 minutes × 2 collections = 144 hours of time and effort across the U.S. contributed to this collection of tap water.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions made; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on the respondents, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

Dated: January 31, 2002.

Phyllis Johnson,

Director, Beltsville Area Research Center.

[FR Doc. 02–7148 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Counties Payments Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Counties Payments Committee has scheduled a meeting on April 20, 2002, to discuss how it will provide Congress with the information specified in Section 320 of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act. In order to develop its recommendations to Congress, the Committee would like to hear from both elected officials and the general public. The meeting will consist of a public input session from 1 p.m. until 5 p.m.

DATES: The meeting will be held on April 20, 2002.

ADDRESSES: The meeting will be held in the Silver Baron ''D'' meeting room on the mezzanine level at the Silver Legacy Casino/Resort, 407 North Virginia Street, Reno, Nevada.

Those who cannot be present may submit written responses to the questions listed under **SUPPLEMENTARY INFORMATION** in this notice to Randle G. Phillips, Executive Director, Forest Counties Payments Committee, PO Box 34718, Washington, DC 20043–4713, or electronically to the Committee's website at *http://countypayments.gov/comments.html.* Comments on this notice must be received by April 30, 2002, to be assured of consideration. Comments received after that date will be considered to the extent possible.

FOR FURTHER INFORMATION CONTACT: Randle G. Phillips, Executive Director, Forest Counties Payments Committee, (202) 208–6574 or *rphillips01@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Section 320 of the 2001 Interior and Related Agencies Appropriations Act (Pub. L. 106–291) created the Forest Counties Payments Committee to make recommendations to Congress on a long-term solution for making Federal payments to eligible States and counties in which Federal lands are situated. The Committee will consider the impact on eligible States and counties of revenues from the historic multiple use of Federal lands; evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands; evaluate the expenditures by counties on activities occuring on Federal lands which are Federal responsibilities; and monitor payments and implementation of The Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393).

At the April 20 meeting in Reno, the Committee asks that respondents provide information that is responsive to the following questions:

1. Do counties receive their fair share of federal revenue-sharing payments made to eligible States?

2. What difficulties exist in complying with, and managing all of the federal revenue-sharing payments programs? Are some more difficult than others?

3. What economic, social, and environmental costs do counties incur as a result of the presence of public lands within their boundaries?

4. What economic, social, and environmental benefits do counties realize as a result of public lands within their boundaries?

5. What are the economic and social effects of changes in revenues generated from public lands over the past 15 years, as a result of changes in management on public lands in your State or county?

6. What actions has your State or county taken to mitigate any impacts associated with declining economic conditions, or revenue-sharing payments?

7. What effects, both positive and negative, have taken place with education and highway programs that are attributable to the management of public lands within your State or county?

8. What relationship, if any, should exist between federal revenue-sharing programs and management activities on public lands?

9. What alternatives exist to provide equitable revenue-sharing to States and counties and promote ''sustainable forestry''?

10. What has been your experience regarding implementation of Public Law 106–393, The Secure Rural Schools and Community Self-Determination Act?

11. What changes in law, policies and procedures, and the management of public land have contributed to changes in revenue derived from the multiple-use management of these lands?

12. What changes in law, policies and procedures, and the management of public land are needed in order to restore the revenues derived from the multiple-use management of these lands?

Dated: March 19, 2002.

Scott D. Conroy,

Acting Deputy Chief, Programs and Legislation.

[FR Doc. 02–7241 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lake County Resource Advisory Committee (RAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Change in meeting date.

SUMMARY: The Lake County Resource Advisory Committee (RAC) will hold a meeting.

DATES: Date of the announcement in the **Federal Register** of Tuesday March 19, 2002 on page 12513 is changed from March 25, 2002 to April 25, 2002. No other changes are made. The meeting will be from 3:00 P.M. to 6:00 PM.

ADDRESSES: The meeting will be held at the Lake County Board of Supervisor's Chambers at 255 North Forbes Street, Lakeport.

FOR FURTHER INFORMATION CONTACT: Debbie McIntosh, Committee Coordinator, USDA, Mendocino National Forest, Upper Lake Ranger District, 10025 Elk Mountain Road, Upper Lake, CA 95485. (707) 275–2361; email *dmcintosh@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review and approval of the minutes of the February meeting; (2) apply Criteria to submitted Proposals; (3) Select Projects that best meet the Evaluation Criteria; (4) Recommend Projects; and (5) Public Comment Period. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 19, 2002.

Blaine P. Baker,

Designated Federal Officer.

[FR Doc. 02–7219 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License; Tiger Optics, Inc.

AGENCY: National Institute of Standards and TechnologyCommerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is a notice in accordance with 35 USC 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent No. 5,835,231 (Application No. 08/962,171), titled ''Broad Band Intro-Cavity Total Reflection Chemical Sensor,'' filed October 31, 1997; NIST Docket No. 96–025US, Patent No. 5,986,768 (Application No. 08/962,171), titled, ''Intra-Cavity Total Reflection For High Sensitivity Measurement Of Optical Properties,'' filed October 31, 1997; NIST Docket No. 96–025CIP, and Patent No. 5,943,136 (Application No. 08/962,170), titled, ''Intra-Cavity Total Reflection For High Sensitivity Measurement Of Optical Properties,'' filed October 31, 1997; NIST Docket No. 96–012US, to Tiger Optics, Inc., having a place of business at 250 Titus Avenue, Warrington, PA 18976–2426. The grant of the license would be in the following fields of use: (1) Semiconductor, Compound Semiconductor, and Specialty/Electronic Chemicals Manufacturing; (2) Chemical and Petrochemical Processing and Manufacturing; and (3) Environmental Monitoring and Control (including detection of chemical and biological warfare agents).

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, Phone 301–975–2691.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 USC 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 USC 209 and 37 CFR 404.7. The availability of the inventions for licensing was published in the **Federal Register** as follows:

NIST Docket No. 96–025US, Vol. 63, No. 96 (page 27564, May 19, 1998).

NIST Docket No. 96–025CIP, Vol. 64, No. 101 (page 28453, May 26, 1999).

NIST Docket No. 96–012US, Vol. 64, No. 101 (page 28453, May 26, 1999).

U.S. Patent No. 5,835,231 is owned by the U.S. government, as represented by the Secretary of Commerce. The present invention permits broadband, ultra-sensitive measurement of optical absorption for any state of matter by the cavity ring-down technique using a small, monolithic, total internal reflection ring cavity. It significantly advances the sensitivity, accuracy, and adaptability of optical absorption spectroscopy for decisive qualitative and quantitative chemical analysis, with greatly increased trace analysis capability.

U.S. Patent No. 5,986,768 is owned by the U.S. government, as represented by the Secretary of Commerce. An optical cavity resonator device is provided for conducting sensitive measurement of optical absorption by matter in any state with diffraction-limited spatial resolution through utilization of total internal reflection within a high-Q (high quality, low loss) optical cavity. Intracavity total reflection generates an evanescent wave that decays exponentially in space at a point external to the cavity, thereby providing a localized region where absorbing materials can be sensitively probed through alteration of the Q-factor of the otherwise isolated cavity. When a laser pulse is injected into the cavity and passes through the evanescent state, an amplitude loss resulting from absorption is incurred that reduces the lifetime of the pulse in the cavity. By monitoring the decay of the injected pulse, the absorption coefficient of manner within the evanescent wave region is accurately obtained from the decay time measurement.

U.S. Patent No. 5,943,136 is owned by the U.S. government, as represented by the Secretary of Commerce. The present invention relates to a device which permits the sensitive measurement of the optical absorption of matter in any state with diffraction-limited spatial resolution using total internal reflection within a high-Q (high-quality, low-loss) optical cavity. Its use provides qualitative and quantitative analysis of material composition and rates of chemical reactions. The device is especially well suited for thin film diagnostics.

Dated: March 18, 2002.

Karen H. Brown,

Deputy Director.

[FR Doc. 02–7188 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of the Dates and Locations of Public Scoping Meetings for the Proposed Designation of the Northwestern Hawaiian Islands National Marine Sanctuary

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean

Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Scoping meetings.

SUMMARY: On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, pursuant to the National Marine Sanctuaries Amendments Act of 2000. The Reserve extends approximately 1200 nautical miles long and 100 nautical miles wide. Pursuant to this Act and the Executive Order, NOAA issued a notice of intent on January 19, 2001 (66 FR 5509) to designate the Reserve as a national marine sanctuary. A notice announcing the beginning of public scoping pursuant to the National Environmental Policy Act was issued on March 18, 2002 (67 FR 11996). This notice announces the dates and locations of the public scoping meetings.

DATES AND ADDRESSES: The public scoping process started on March 18, 2002, and ends on Friday, May 3, 2002. Written comments may be sent to NWHI Coral Reef Ecosystem Reserve, 6700 Kalaniana'ole Highway, #215, Honolulu, Hawaii 96825; faxed to (808) 397–2662; or emailed to *nwhi@noaa.gov.* Comments will be available for public review at the office address above. Summaries of public comments from initial scoping meetings will be available at *hawaiireef.noaa.gov.* Scoping meetings will be held as follows:

(1) Tuesday, April 9, 6:00 p.m., Waianae District Park, Multipurpose Building, 85–601 Farrington Highway, Waianae, Oahu, Hawaii.

(2) Wednesday, April 10, 6:00 p.m., Heeia Kea State Park Visitors Center Hall, 46–465 Kamehameha Highway, Kaneohe, Oahu, Hawaii.

(3) Thursday, April 11, 6:00 p.m., Maui Arts and Cultural Center, McCoy Studio Theater, One Cameron Way, Kahului, Maui, Hawaii.

(4) Thursday, April 11, 1:00 p.m., Department of Commerce Building, Room 1414, 14th and Constitution Avenue, NW., Washington, DC.

(5) Friday, April 12, 6:00 p.m., Kulana Oiwi Halau, Lot 24, Maunaloa Highway, Kaunakakai, Molokai, Hawaii.

(6) Monday, April 15, 6:00 p.m., Japanese Cultural Center, Manoa Room, 2454 South Beretania Street, Honolulu, Oahu, Hawaii.

(7) Tuesday, April 16, 6:00 p.m., Radisson Kauai Beach Resort, Jasmine Ballroom, 4331 Kauai Beach Drive, Lihue, Kauai, Hawaii.

(8) Wednesday, April 17, 6:00 p.m., University of Hawaii at Hilo, Marine Science Building, 200 West Kawili Street, Hilo, Hawaii.

(9) Thursday, April 18, 6:00 p.m., King Kamehameha's Kona Beach Hotel, Kamakahonu Ballroom, 75–5660 Palani Road, Kailua-Kona, Hawaii.

(10) Friday, April 19, 6:00 p.m., Lanai Public Library, Frazier Avenue, Lanai City, Lanai, Hawaii.

FOR FURTHER INFORMATION CONTACT: Aulani Wilhelm, (808) 397–2657, *nwhi@noaa.gov.*

SUPPLEMENTARY INFORMATION: The National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1341 *et seq.*, authorizes the Secretary of Commerce (Secretary) to designate discrete areas of the marine environment as national marine sanctuaries to protect their special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities. The NMSA is administered by the National Oceanic and Atmospheric Administration (NOAA) through the National Marine Sanctuary Program (NMSP).

The public scoping process, including the public scoping meetings, is intended to solicit information and comments on the range and significance of issues related to the designation and management of a Northwestern Hawaiian Islands National Marine Sanctuary. The results of this scoping process will assist NOAA in formulating alternatives for a draft management plan and draft environmental impact statement for the proposed designation. NOAA encourages the public and interested parties to submit (via mail, e-mail, or fax) comments throughout the scoping period and to attend public scoping meetings at the locations listed above.

Each public scoping meeting will include a brief overview of the proposed Sanctuary region and its history, and an opportunity for members of the public to provide verbal comments through a round-table format. Each round table will accommodate 10–15 people and will have its own facilitator and note-taker who will work with the participants at that table to obtain their comments and ideas. All comments offered at the round-tables are considered part of the official record; however, participants are strongly encouraged to submit written comments to ensure that the full scope of their thoughts and ideas is considered by NOAA.

Authority: 16 U.S.C. Section 1431 et seq., Pub. L. 106–513.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: March 20, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–7187 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF ENERGY

Notice of Renewal of the Secretary of Energy Advisory Board

Pursuant to section 14 (a)(2)(A) of the Federal Advisory Committee Act and in accordance with title 41 of the Code of Federal Regulations, section 102–3.65, and following consultation with the Committee Management Secretariat of the General Services Administration, notice is hereby given that the Secretary of Energy Advisory Board (the Board) has been renewed for an additional two-year period, beginning in March 2002.

The Board will continue to provide independent, balanced, and authoritative advice to the Secretary of Energy on matters concerning the Department's management, basic science, research, development and technology activities; energy and national security responsibilities; environmental cleanup activities; energy-related economic activities; the operations of the Department; and on any other activities and operations of the Department of Energy as the Secretary may direct.

The Board members are selected to assure well-balanced representation and on the basis of their broad competence in areas relating to quality management, basic science, renewable energy, energy policy, environmental science, economics, business expertise and broad public policy interests. Membership of the Board will continue to be determined in accordance with the requirements of the Federal Advisory Committee Act (Pub. L. 92–463) and implementing regulations.

The renewal of the Board has been determined to be in the public interest, important and vital to the conduct of the Department's business in connection with the performance of duties established by statute for the Department of Energy. The Board will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel M. Samuel, U.S. Department of

Energy, ME–75, FORS, Washington, DC 20585, Telephone: (202) 586–3279.

Issued in Washington, DC, on March 20, 2002.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. 02–7192 Filed 3–25–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Monday, April 22, 2002, 6:30 p.m.–9 p.m. Tuesday, April 23, 2002, 8:30 a.m.–4 p.m.

ADDRESSES: DeSoto Hilton, 15 East Liberty Street, Savannah, GA.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Science Technology & Management Division, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC, 29802; Phone: (803)725–5374.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOEand its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, April 22, 2002

6:30 p.m., Public Comment Session
7p.m.—9 p.m., Committee Meetings
9 p.m., Adjourn

Tuesday, April 23, 2002

8:30–9:15 a.m., Approval of Minutes; Agency Updates; Public Comment Session; Facilitator Update
9:15–10:15 a.m., Strategic & Long-Term Issues Committee
10:15–11:15 a.m., Environmental Restoration Committee
11:15–11:45 a.m., Administrative Committee Reports

Bylaws Amendment Proposal

11:45–12 noon, Public Comments
12 noon, Lunch Break
1–1:30 p.m., Executive Committee and SSAB Chairs Trip Report
1:30–3:00 p.m., Waste Management Committee Report
3–3:45 p.m., Nuclear Materials Committee Report
3:45–4:00 p.m., Public Comments
4 p.m., Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, April 22, 2002.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make the oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Minutes will also be available by writing to Gerri Fleming, Department of Energy Savannah River Operations Office, PO Box A, Aiken, SC, 29802, or by calling her at (803) 725–5374.

Issued at Washington, DC on March 21, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–7191 Filed 3–25–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC02–15–000, EC02–15–001, ER02–177–000, ER02–177–001, ER02–177–002]

Cinergy Services, Inc., Cinergy Corporation, The Cincinnati Gas & Electric Company, Cinergy Power Investments, PSI Energy, Inc.; Notice of Issuance of Order

March 20, 2002.

Cinergy Services, Inc. (Cinergy), on behalf of Cinergy Corporation and its affiliates, Cincinnati Gas & Electric Company, PSI Energy, Inc., and Cinergy Power Investments, Inc. (collectively, ''Applicants'') made certain filings, in the above-docketed proceedings, with the Commission pursuant to Ohio restructuring legislation implementing customer choice and pursuant to three settlements that provide for the continuation of joint generation and dispatch and joint transmission planning among Cinergy affiliates. Applicants also filed under section 205 of the Federal Power Act various agreements, including a market-based rate tariff, related to their corporate reorganization. Applicants filings also requested certain waivers and authorizations. In particular, Applicants requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by Applicants.

On March 18, 2002, the Commission issued an Order Authorizing Transfer Of Assets, Granting Market-Based Rates And Accepting Related Agreements For Filing (Order) that granted Applicants request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (J), (K), and (M):

(J) Within 30 days of the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Applicants should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(K) Absent a request to be heard within the period set forth in Ordering Paragraph (J) above, Applicants are hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the Applicants, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(M) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of the Applicants' issuances of securities or assumptions of liabilities.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 17, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may

also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7200 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–201–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 20, 2001.

Take notice that on March 15, 2002, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing. The tariff sheets will become effective April 15, 2002.

CIG is filing to update its tariff consistent with recent Commission orders in other pipeline company proceedings concerning (1) the adjustment of rate components in discount agreements to achieve an overall agreed upon rate and (2) the specification of minimum pressure requirements. Additionally, CIG proposes to change certain sections to conform to prior revisions, correct tariff references, and delete obsolete language from its pro forma service agreements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7206 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–963–000]

Crete Energy Venture, LLC; Notice of Issuance or Order

March 20, 2002.

Crete Energy Ventures, LLC (CEV) submitted for filing a rate schedule under which CEV will engage in the sales of capacity, energy and certain ancillary services at market-based rates. CEV also requested waiver of various Commission regulations. In particular, CEV requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by CEV.

On March 15, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CEV should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, CEV is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of CEV, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CEV's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 15, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7201 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR02–12–000]

Dow Pipeline Company; Notice of Petition for Rate Approval

March 20, 2002.

Take notice that on February 28, 2002, Dow Pipeline Company (Dow) filed, pursuant to section 284.123(b)(2) of the Commission's Regulations, a petition for rate approval of a system-wide interruptible transportation rate it proposes to charge for transporting natural gas pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). Dow proposes a rate of $0.0349 per Dth, plus 0.7% in-kind fuel reimbursement. Dow requests that rates be effective December 1, 2001.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the date of this filing, the rates will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426, in accordance with sections 385.214 or

385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed with the Secretary of the Commission on or before April 4, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This petition for rate approval is on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7204 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–202–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

March 20, 2002.

Take notice that on March 18, 2002 Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, the revised tariff sheets listed on Appendix A to the filing, to become effective May 1, 2002.

KMIGT states that it is making this housekeeping filing as an effort to clarify and correct various sections of KMIGT's FERC Gas Tariff.

KMIGT states that a copy of this filing has been served upon all of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7207 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–1000–000]

TECO–PANDA Generating Company, L.P.; Notice of Issuance of Order

March 20, 2002.

TECO–PANDA Generating Company, L.P. (TECO–PANDA) submitted for filing a rate schedule under which TECO–PANDA will engage in the sales of capacity, energy and certain ancillary services at market-based rates. TECO–PANDA also requested waiver of various Commission regulations. In particular, TECO–PANDA requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by TECO–PANDA.

On March 15, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-East, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by TECO–PANDA should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, TECO–PANDA is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of TECO–PANDA, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of TECO–PANDA's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 15, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7202 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2413–002, *et al.*]

American Electric Power Service Corporation, *et al.;* Electric Rate and Corporate Regulation Filings

March 20, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. American Electric Power Service Corporation

[Docket No. ER01–2413–002]

Take notice that on March 14, 2002, the American Electric Power Service Corporation (AEPSC) tendered for filing an Amended Interconnection and Operation Agreement between Indiana Michigan Power Company and Sugar Creek Energy, L.L.C. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the

Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of May 12, 2002.

A copy of the filing was served upon the Indiana Utility Regulatory Commission and Michigan Public Service Commission.

Comment Date: April 4, 2002.

2. International Transmission Company

[Docket No. ER02–974–001]

Take notice that on March 14, 2002, International Transmission Company (International Transmission) tendered for filing an amendment to the filing of several service agreements for the provision of non-discriminatory transmission service executed under the joint access transmission tariff between International Transmission and Michigan Electric Transmission Company. The amendment revises the February 6 Filing to include the required Order No. 614 designations for the Service Agreements.

Comment Date: April 4, 2002.

3. Duke Energy Corporation

[Docket No. ER02–994–001]

Take notice that on March 15, 2002, Duke Energy Corporation submitted an amendment to its filing in the above-captioned docket. The March 15, 2002 amended filing supercedes the original February 8, 2002 filing. All interventions, protests and comments regarding both filings should be filed by the date indicated below.

Comment Date: April 5, 2002.

4. Keyspan-Ravenswood, Inc.

[Docket No. ER02–1085–001]

Take notice that on March 7, 2002, KeySpan-Ravenswood, Inc. (Ravenswood) filed an amendment to its February 25, 2002 informational letter filed with the Commission, pursuant to section 35.15'' of the Commission's rules. The amendment withdraws Ravenswood's notification of cancellation of the Transition Capacity Agreement between Ravenswood and The Consolidated Edison Co of New York, Inc. (Con Edison) accepted in Docket No. ER99–2376–000 and designated by the Commission as Ravenswood's Rate Schedule FERC No. 1 because the contract has not yet terminated. However, Ravenswood's notification of termination contained in the February 25 filing regarding the Transition Energy Agreement between Ravenswood and Con Edison accepted in Docket No. ER99–3183–000 and designated by the Commission as Ravenswood's Rate Schedule FERC No. 2 remains in effect.

Comment Date: April 1, 2002.

5. Illinois Power Company

[Docket No. ER02–1328–000]

Take notice that on March 18, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) five Emergency Energy Service Agreements entered into with Exelon Generation Company, LLC; Allegheny Energy Supply Company, LLC; Southern Illinois Power Cooperative; Central Illinois Light Company; and Alliant Energy Corporate Services, Inc. pursuant to Illinois Power's Emergency Energy Tariff.

Illinois Power requests an effective date of February 1, 2002, for all five Agreements and accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to all five customers.

Comment Date: April 8, 2002.

6. Illinois Power Company

[Docket No. ER02–1329–000]

Take notice that on March 18, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) a Network Integration Transmission Service Agreement entered into with Tri-County Electric Cooperative, Inc. and a Network Integration Transmission Service Agreement entered into with Clinton County Electric Cooperative, Inc., pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of March 1, 2002, for both Agreement sand accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to the customers.

Comment Date: April 8, 2002.

7. Pacific Gas and Electric Company

[Docket No. ER02–1330–000]

Take notice that on March 18, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing several Agreements, including an executed Generator Interconnection Agreement (GIA) to replace the unexecuted placeholder GIA that is part of the Generator Special Facilities Agreement (GSFA), between PG&E and Los Medanos Energy Center LLC (LMEC) providing for Special Facilities and the parallel operation of LMEC's generating facility and the PG&E-owned electric system that is on file with the Federal Energy Regulatory Commission (Commission) as Service Agreement No. 8 to PG&E Electric Tariff, Sixth Revised Volume No. 5.

Copies of this filing have been served upon LMEC, Calpine Corporation, the California Independent System Operator Corporation, and the California Public Utilities Commission.

Comment Date: April 8, 2002.

8. Pacific Gas and Electric Company

[Docket No. ER02–1332–000]

Take notice that on March 18, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing three executed Generator Interconnection Agreements (GIAs) to replace the unexecuted placeholder GIAs that are part of the Generator Special Facilities Agreements (GSFAs) between PG&E and each of the following generators, Fresno Cogeneration Partners, LP (Fresno), NEO Corporation, NEO California Power LLC, Chowchilla (NEO Chowchilla) and NEO Corporation, NEO California Power LLC, Red Bluff (NEO Red Bluff). These Agreements provide for the parallel operation of the generating facilities of Fresno, NEO Chowchilla and NEO Red Bluff and the PG&E-owned electric system and are on file with the Commission as Service Agreement Nos. 11, 13 and 14 to PG&E Electric Tariff, Fourth Revised Volume No. 5. The GIAs provide no rates for services, and there are no associated sales or revenue.

Copies of this filing have been served upon Fresno, NEO Chowchilla, NEO Red Bluff, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment Date: April 8, 2002.

9. PJM Interconnection, L.L.C.

[Docket No. ER02–1333–000]

Take notice that on March 18, 2002, PJM Interconnection, L.L.C. (PJM) tendered for filing proposed changes to the PJM Open Access Transmission Tariff. PJM states that the proposed changes add new, standardized terms and conditions for interconnection of generation facilities with the PJM Transmission System and related forms of service agreements, and make conforming changes to various provisions of the existing Part IV of the PJM Tariff.

PJM further states that copies of this filing have been served on all parties to Docket No. RT01–2–000, as well as on all PJM Members and the state electric regulatory commissions in the PJM region.

PJM requests an effective date of June 1, 2002 for the proposed tariff changes.

Comment Date: April 8, 2002.

Standard Paragraph:

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7198 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–104–000, et al.]

PPL Sundance Energy, LLC, et al.; Electric Rate and Corporate Regulation Filings

March 19, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. PPL Sundance Energy, LLC

[Docket N. EG02–104–000]

Take notice that on March 15, 2002, PPL Sundance Energy, LLC (Applicant), having its principal place of business at Two North Ninth Street, Allentown, Pennsylvania, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company formed for the purpose of operating the 450 MW Sundance generating plant, located in Pinal County, Arizona. The Applicant is an indirect subsidiary of PPL Corporation, a public utility holding company exempt from registration under section 3(a)(1) of the Public Utility Holding Company Act of 1935.

Comment Date: April 9, 2002.

2. PPL University Park, LLC

[Docket No. EG02–105–000]

Take notice that on March 15, 2002, PPL University Park, LLC (Applicant), having its principal place of business at Two North Ninth Street, Allentown, Pennsylvania, filed with the Federal Energy Regulatory Commission (''Commission'') an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company formed for the purpose of operating the 540 MW University Park generating plant, located in University Park, Illinois. The Applicant is an indirect subsidiary of PPL Corporation, a public utility holding company exempt from registration under Section 3(a)(1) of the Public Utility Holding Company Act of 1935.

Comment Date: April 9, 2002.

3. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1321–000]

Take notice that on March 14, 2002, Wolverine Power Supply Cooperative, Inc., submitted for filing an executed Non-Firm Point-to-Point Transmission Service Agreement between Wolverine Power Supply Cooperative, Inc. and the Tower Kleber Limited Partnership dated January 1, 2002. Wolverine requests that this Agreement be designated as Service Agreement No. 3 under its FERC Electric Tariff, First Revised Volume No. 1.

Wolverine requests an effective date of January 1, 2002, for this Agreement.

Wolverine states that a copy of this filing has been served upon Tower Kleber Limited Partnership and the Michigan Public Service Commission.

Comment Date: April 4, 2002.

4. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1322–000]

Take notice that on March 14, 2002, Wolverine Power Supply Cooperative, Inc., submitted for filing an executed Generator Interconnection and Operation Service Agreement between Wolverine Power Supply Cooperative, Inc. and the Tower Kleber Limited Partnership dated January 1, 2002. Wolverine requests that this agreement be designated as Service Agreement No. 4 under its FERC Electric Tariff, First Revised Volume No. 1.

Wolverine requests an effective date of January 1, 2002, for this Agreement.

Wolverine states that a copy of this filing has been served upon Tower Kleber Limited Partnership and the Michigan Public Service Commission.

Comment Date: April 4, 2002.

5. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER02–1323–000]

Take notice that on March 14, 2002, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed First Revised Service Agreement No. 110 and Supplement No. 1 to First Revised Service Agreement No. 110 under Allegheny Power's Open Access Transmission Service Tariff. Service Agreement No. 110 was accepted for filing by the Federal Energy Regulatory Commission on July 24, 1997 in Docket No. ER97–3137–000. First Revised Service Agreement No. 110 and its Supplement No. 1 consist of an unexecuted Network Integration Transmission Service Agreement and Network Operating Agreement with the Borough of Tarentum and replace Service Agreement No. 110.

Allegheny Power requests that First Revised Service Agreement No. 110 and its Supplement No. 1 have an effective date of March 16, 2002.

Copies of the filing have been provided to the Customer and all parties of record.

Comment Date: April 4, 2002.

6. Mt. Carmel Cogen, Inc.

[Docket No. ER02–1324–000]

Take notice that on March 15, 2002, Mt. Carmel Cogen, Inc. (Mt. Carmel), filed with the Federal Energy Regulatory Commission an application for approval of its initial tariff (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Mt. Carmel is a corporation formed under the laws of Delaware. Mt. Carmel owns and operates a 45–MW generating

plant located in Mount Carmel, Pennsylvania.

Comment Date: April 5, 2002.

7. PPL Sundance Energy, LLC

[Docket No. ER02–1325–000]

Take notice that on March 15, 2002, PPL Sundance Energy, LLC (PPL Sundance) filed with the Federal Energy Regulatory Commission (Commission) an application for authority to sell electric energy, capacity and certain ancillary services at market-based rates.

Comment Date: April 5, 2002.

8. PJM Interconnection, L.L.C.

[Docket No. ER02–1326–000]

Take notice that on March 15, 2002, PJM Interconnection, L.L.C. (PJM), filed amendments to the PJM Open Access Transmission Tariff and the Amended and Restated PJM Operating Agreement to implement an Economic Load Response Program on a multi-year basis.

Copies of this filing were served upon all PJM members and each state electric utility regulatory commission in the PJM region.

PJM requests an effective date of June 1, 2002 for the amendments.

Comment Date: April 5, 2002.

9. PPL University Park, LLC

[Docket No. ER02–1327–000]

Take notice that on March 15, 2002, PPL University Park, LLC filed with the Federal Energy Regulatory Commission (Commission) an application for authority to sell electric energy, capacity and certain ancillary services at market-based rates.

Comment Date: April 5, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–7149 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 20, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Application Type: Extension of Temporary Amendment of License.

b. Project No.: 2899–105.

c. Date Filed: March 18, 2002.

d. Applicant: Idaho Power Company.

e. Name of Project: Milner Hydroelectric Project.

f. Location: The Milner hydroelectric project is located on the Snake River in Twin Falls and Cassia Counties, Idaho. The project includes 109 acres of land administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Nathan F. Gardiner, Idaho Power Company, 1221 West Idaho Street, P.O. Box 70, Boise, Idaho 83707; (208) 388–2676.

i. FERC Contact: Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: *Kenneth.Hogan@ferc.gov*. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. Deadline for filing comments, terms and conditions, motions to intervene, and protests: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at: *www.ferc.gov*.

k. Idaho Power Company (IPC) filed an application for an extension of the temporary amendment authorized by the Commission's order dated May 8, 2001, which temporarily waived the minimum flow requirement set forth in Article 407, and approved the dewatering of the Milner bypass reach between May 8, 2001, and March 31, 2002. Article 407 reads as follows:

The licensee shall discharge from Milner Dam a target flow of 200 cubic feet per second as measured at the Milner gage located in the bypass reach. The licensee shall release water from the Idaho Water Bank and/or make releases from upstream storage controlled by the licensee to provide the necessary flow to achieve the 200-cfs target. The main powerhouse shall not operate during any time the target flow is not met. The target flow may be temporarily reduced if required by operating emergencies beyond the control of the licensee or for short periods upon mutual agreement between the licensee and Idaho Department of Fish and Game.

Idaho Power requests that the May 8, 2001 order, superceding Article 407, be extended to the end of the irrigation season, October, 2002.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the Web at *http://www.ferc.gov*. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or

other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7203 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM01–12–000, RT01–2–000, RT01–10–000, RT01–15–000, ER02–323–000, RT01–34–000, RT01–35–000, RT01–67–000, RT01–74–000, RT01–75–000, RT01–77–000, RT01–85–000, RT01–86–000, RT01–87–000, RT01–88–000, RT01–94–000, RT01–95–000, RT01–98–000, RT01–99–000, RT01–100–000, RT01–101–000, EC01–146–000, ER01–3000–000, RT02–1–000, EL02–9–000, EC01–156–000, ER01–3154–000, and EL01–80–000]

Electricity Market Design and Structure (RTO Cost Benefit Analysis Report); Notice Organizing Staff Technical Conference on RTO Cost Benefit Report

March 20, 2002.

This Notice provides organizational details regarding the March 25, 2002, technical conference relating to the report on ''Economic Assessment of RTO Policy'' issued February 26, 2002.[1] The conference will begin at 10:00 a.m. at the Federal Energy Regulatory's Commission's offices, 888 First Street, NE, Washington, DC. All interested persons are invited to attend.

The conference will utilize a question and answer format. Members of the Commission staff and ICF Consulting will be available to respond to questions concerning the results and methodology of the RTO Policy report. No presentations will be made either by staff or participants.

The conference will be transcribed, so those not attending can review the proceedings. Those interested in obtaining transcripts of the conference need to contact Ace Federal Reporters, at 202–347–3700. Transcripts will be available on the Commission's web site 10 days after receipt from Ace-Federal Reporters. Anyone interested in purchasing videotapes of the conference should call VISCOM at 703–715–7999.

The Capitol Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at 703–993–3100 or visit the Web site, *www.capitolconnection.gmu.edu*.

The Capitol Connection also offers FERC Open Meetings through its Washington, DC area television service. In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202–966–2211.

For further information about the conference, please contact either:

William Meroney, 202–208–1069, *William.meroney@ferc.gov*.

Charles Whitmore, 202–208–1256, *Charles.whitmore@ferc.gov*.

Federal Energy Regulatory Commission, 888 N. Capitol Street, NE, Washington DC 20426.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7205 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

[1] The report is available on the Commission's web site, http://www.ferc.gov.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD02–13–000]

Conference on Energy Infrastructure; Notice of Conference

March 20, 2002.

The Federal Energy Regulatory Commission (FERC) will hold a conference on energy infrastructure issues in the southeastern states on Thursday, May 9, 2002 at the Orlando World Center Marriott Resort and Convention Center, 8701 World Center Drive, Orlando, Florida.

The conference is for the purpose of discussing the adequacy of the electric, gas and other energy infrastructure in the Southeast, and related matters. In addition to specialized panelists, the Governors and state utility commissioners of the southeastern states are being invited to participate. The goal is to identify present infrastructure needs, investment and other barriers to expansion, and environmental and landowner concerns. We look forward to an informative discussion of the issues to clarify how we can facilitate and enhance a comprehensive collaborative approach to energy infrastructure development and reliability for the southeastern states. It is our firm belief that until we have an adequate, well-functioning energy infrastructure, we cannot expect workable, competitive markets.

The one-day meeting will begin at 9:00 a.m. and conclude at 4:30 p.m. All interested parties are invited to attend. Hotel rooms have been blocked at the Marriott under the name of the Federal Energy Regulatory Commission for any attending guests to reserve a one- or two-night stay but will be released by April 17. You can still reserve a room after April 17, but on a room availability and rate basis. The hotel can be reached at 1–800–621–0638.

To attend, please register online on the Commission Web site at*http://www.ferc.gov/calendar/courses-outreach/coursesoutreach.htm.*Scroll down and click on ''Southeast Energy Infrastructure Conference''. There is no registration fee. We will issue further details on the conference, including the agenda and a list of participants, as plans evolve. For additional information, please contact Carol

Connors in the Office of External Affairs at*carol.connors@ferc.gov*.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7199 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7163–8]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of conference.

SUMMARY: The Office of Science and Technology and Battelle, co-sponsors, will hold the ''25th Annual Conference on Analysis of Pollutants in the Environment'' to discuss all aspects of environmental measurement. The conference is open to the public.

DATES: The annual conference will be held on May 7–9, 2002. On May 7, 2002, the conference will begin at 8:45 a.m. and adjourn at 5 p.m. A workshop on ''Surviving a Laboratory Audit'' will be presented from 1:30 p.m. to 5 p.m.

On May 8, 2002, the conference will begin at 8:45 a.m. and adjourn at 4:15 p.m. On May 9, 2002, the conference will begin at 8:30 a.m. and adjourn at 12 p.m.

ADDRESSES: The conference will be held at the Sheraton Norfolk Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia, 23510.

FOR FURTHER INFORMATION CONTACT: Conference and workshop arrangements are being conducted by Battelle. For information on registration, hotel rates, transportation, social events, and reservations call Andrea Grew, Battelle, at (781) 952–5290 or by facsimile at (781) 934–2124.

If you need special accommodations at this meeting, including wheelchair access, you should contact Andrea Grew, Battelle, at least five business days prior to the meeting so that we can make appropriate arrangements. If you have technical questions regarding the conference or workshop programs, please contact Marion Kelly, e-mail: *kelly.marion@epa.gov,* (202) 566–1045 or by facsimile at (202) 566–1053.

SUPPLEMENTARY INFORMATION: The ''25th Annual Conference on Analysis of Pollutants in the Environment'' is designed to bring together representatives of regulated industries, commercial environmental laboratories, State and Federal regulators, municipal water and wastewater laboratories, and environmental consultants and contractors to discuss all aspects of environmental measurement with a particular focus on environmental water regulations, compliance monitoring, and related issues.

The draft program agenda for the conference follows:

Tuesday, May 7, 2002

Welcome and Status of Office of Water Activities

8:45 a.m. Welcome—Robert G. Beimer, Battelle

9:00 a.m. Opening Remarks—William Telliard, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

9:15 a.m. Office of Water Activities—James Hanlon, Acting Deputy Assistant Administrator, U.S. EPA Office of Water, Field Techniques

9:45 a.m. Comparison of Field Collection Techniques and Filtration Procedures for Determination of Chlorophyll in Ambient Waters—R.E. Stewart, D.H. Smith, and T.Y. Du, Virginia Department of Environmental Quality

10:15 a.m. Break

Bacteriological Tracking

10:30 a.m. Microbial Source Tracking: Principles and Practice—Mansour Samadpour, University of Washington

11:00 a.m. Source Tracking of Bacteria: A Case Study—Ward Staubitz, U.S. Geological Survey Site Investigation

11:30 a.m. The Destruction of the World Trade Center and PCBs, PBDEs, PCDD/Fs, PBDD/Fs, and Chlorinated Biphenylenes in Water, Sediment, and Sewage Sludge—Simon Litten, New York State Department of Environmental Conservation; D. McChesney, U.S. EPA Region II; and Brian Fowler and M.C. Hamilton, Axys Analytical Services

12:00 Noon—Lunch

Workshop

1:30 p.m.—5:00 p.m. Surviving a Laboratory Audit—U.S. EPA Staff: Nancy Wentworth, Office of Research and Development, Quality Assurance Division; Joseph Slayton, U.S. EPA Region III, Environmental Science Center; U.S. EPA Drinking Water Representative; Steve Baker, State of Arizona

5:00 p.m. Adjourn

Wednesday, May 8, 2002

Organics Analysis

8:45 a.m. Determination of the Congener Distribution in Aroclors to the Sub-ppm Level—Coreen Hamilton, Katherine Kaye, and Brian Fowler, Axys Analytical Services

9:15 a.m. Application of Aroclor Toxicity Equivalents to Historic Aroclor Data and to Non-detects—Andy Beliveau, U.S. EPA Region I

9:45 a.m. Navigating EPA's Alternate Test Procedure for Development of an Alternate Chlorophenolics Procedure: Process and Results—Diana Cook, Glenn Wilson, and Michelle Wrabel, National Council for Air and Stream Improvement

10:00 a.m. Break

10:15 a.m. Polybrominated diphenyl ethers: An Emerging Environmental Problem—Mehran Alaee, Canadian Center for Inland Waters

10:45 a.m. Polybrominated diphenyl ethers by Gas Chromatography with an Electron Capture Detector—Robert Rieck, U.S. EPA Region X, Manchester Laboratory

11:15 a.m. Polybrominated diphenyl ethers by HRGC/HRMS—Coreen Hamilton, Brian Fowler, and Louis Haviland, Axys Analytical Services

11:45 a.m. Lunch

Sample Preservation and Holding Times

1:00 p.m. Study Supporting Extension of the Unpreserved Mercury Holding Time to 28 Days—Mark Bruce, Scott Irwin, and Patrick O'Meara, Severn Trent Laboratory, Canton, Ohio

1:30 p.m. Effect of Freezing on Concentrations of Classical Pollutants—Khouane Ditthavong, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

2:00 p.m. Effect of Starting Temperature, Ice Placement, and Other Variables on Length of Time that Samples Remain Below 4 °C in a Picnic Cooler—William Telliard, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

2:30 p.m. Break

Metals Analysis

2:45 p.m. Determination of Arsenic Species in Fish and Their Impact on Fish Advisories— Eric Crecelius, Margaret O'Neill, and Tim Fortman, Battelle Marine Sciences Laboratory

3:15 p.m. Results of the Interlaboratory Validation of EPA Method 245.7: Mercury in Water by Cold-vapor Atomic Fluorescence—

Maria Gomez-Taylor, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

Bioassay

3:45 p.m. Comparison of Results of Determination of Dioxin-like Toxicity by Cell-line Bioassays and HRGC/HRMS—Harry McCarty, DynCorp Information & Enterprise Technology, Inc.
4:15 p.m. Adjourn
5:30 p.m. Conference Reception

Thursday, May 9, 2002

Whole Effluent Toxicity

8:30 a.m. Grading on a Curve: How to Use Laboratory Control Charts and Other QA/QC Data to Interpret Toxicity Test Results—Tim Moore, Risk Sciences; and Jim Pletl, Hampton Roads Sanitation District

Microbiological Methods

9:00 a.m. Interlaboratory Validation of EPA Method 1605 for Aeromonas in Water—Misty Pope, Ken Miller, Kevin Connell, Jessica Pulz, Chris Maynard, Ben Meadows, and Kyle May, DynCorp Information & Enterprise Technology, Inc.; and Mary Ann Feige, U.S. EPA Office of Ground Water and Drinking Water Technical Support Center, Cincinnati
9:30 a.m. Are Current Microbiological Method Holding Times Meaningful? An Assessment of the Stability of Multiple Pathogens in Wastewater at Multiple Times and Temperatures—Robin Oshiro, U.S. EPA Office of Science and Technology, Engineering and Analysis Division; and Misty Pope, Kevin Connell, Jessica Pulz, Ken Miller, and Yildiz Chambers, DynCorp Information & Enterprise Technology, Inc.
10:00 a.m. Break
10:15 a.m. Special Session: Demonstration of E. coli and Enterococci Methods Proposed by EPA for Use in Recreational Water Monitoring—Robin Oshiro, U.S. EPA Office of Science and Technology, Engineering and Analysis Division
12:00 Noon—Adjourn

Dated: March 19, 2002.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 02–7225 Filed 3–25–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the U.S. Fire Administration's National Fire Academy Long-term Course Evaluation Forms.

SUPPLEMENTARY INFORMATION: The data collection from the long-term evaluation forms—one for students and one for the student's supervisor—will obtain course specific feedback regarding the impact of course content on job performance. This data is needed to improve instructional delivery and curriculum design. Demographic data are needed to identify differentials in course impact. The information collection also supports the Government Performance and Results Act.

Collection of Information

Title: National Fire Academy Long-term Evaluation Form for Supervisors, National Fire Academy Long-term Evaluation Form for Students.

Type of Information Collection: Renewal of existing collection in use with OMB approval.

OMB Number: 3067–0260.

Form Numbers: Form F–8872–NETC; F–8873–NETC.

Abstract: The National Fire Academy's long-term evaluation forms—one for students and one for the student's supervisor—will obtain course specific feedback regarding impact of course content on job performance. The information is needed to improve instruction and content. Demographic data are needed to identify differentials in course impact.

Affected Public: Individuals.

Estimated Total Annual Burden Hours: 375.

FEMA Forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
Student	750	1	.33	247.50
Superv	750	1	.17	127.50
Total	1,500			375

Estimated Cost: $105,000.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities and Services Management Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Gladhill, Program Analyst, National Fire Academy, (301) 447–1239 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities and Services Management Division,Administration and Resource Planning Directorate.

[FR Doc. 02–7173 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Public Assistance Progress Report and various forms used to administer the Public Assistance Program.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, authorizes the President to provide assistance to State and local governments to help them to respond to and recover from a disaster. In order to receive Federal assistance (i.e., Federal grants) State and local officials and officials of eligible private nonprofit organizations who have a responsibility for response to a major disaster and for the restoration of facilities in the aftermath of such events must provide information to FEMA. The information is required in accordance with FEMA regulations 44 CFR, § 206.204(f), § 206.203(c), § 206.203(d)(i) and guidance published in FEMA 322, Public Assistance Guide, and FEMA 323, Public Assistance Applicant Handbook.

Collection of Information

Title: Public Assistance Progress Report and Program Forms.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0151.

Form Numbers: FEMA Form 90–49, Request for Public Assistance, FEMA Form 90–91, Project Worksheet (PW), FEMA Form 90–91A, Damage Description and Scope of Work Continuation Sheet, FEMA Form 90–91B, Cost Estimate Continuation Sheet, FEMA Form 90–91C, Maps and Sketches Sheet, FEMA Form 90–91D, Photo Sheet, FEMA Form 90–120, Special Considerations Questions, FEMA Form 90–121, PNP Facility Questionnaire, FEMA Form 90–123, Force Account Labor Summary Record, FEMA Form 90–124, Materials Summary Record, FEMA Form 90–125, Rented Equipment Summary Record, FEMA Form 90–126, Contract Work Summary Record, FEMA Form 90–127, Force Account Equipment Summary Record, FEMA Form 90–128, Applicant's Benefits Calculation Worksheet.

Abstract: Progress Report ensures that FEMA and the State have up-to-date information on Public Assistance (PA) program grants. The State submits reports quarterly to the Regional Director for construction projects for which a final payment has not been made. The date of the report will be determined jointly by the State and the Disaster Recovery Manager. The progress report describes the status of project completion dates, and circumstances that could delay a project. The State is expected to impose some reporting requirements for applicants so that they can prepare quarterly reports. Request for Public Assistance—The Request is FEMA's official application form. The Grantee has 30 days from the date of the designation of the area where the damage occurred to submit a completed Request to the Regional Director for each applicant who requests public assistance. Project Worksheet (PW)—The PW identifies the eligible scope of work and includes a quantitative estimate for the eligible work. FEMA or the applicant (sub-grantee), assisted by the State, will prepare a PW for each project. The applicant will have 60 days to identify and report damages to FEMA. Federal funds are obligated to the State based on the approved PW. The State will then approve sub-grantees based on the PW approved for each applicant. PW Damage Description and Scope of Work Continuation Sheet—The *Damage Description and Dimensions* and *Scope of Work* should be listed in the areas provided on the PW. The optional PW—Damage Description and Scope of Work Continuation Sheet provides additional space, if needed, to describe the work necessary to restore the facility to its pre-disaster design. PW Cost Estimate Continuation Sheet—The cost estimate is the estimated cost of repair for the damages described in the *Project Description* of the PW. The optional PW Cost Estimate Continuation Sheet provides additional space, if needed, to estimate the cost to restore the facility to its pre-disaster condition. PW Maps and Sketches Sheet—The optional PW Maps and Sketches Sheet assist applicants in organizing project documentation. The exact location of the facility is described and a sketch of the facility will assist the applicant in describing the damage in terms of facility features or items requiring repair. PW Photo Sheet—The optional PW Photo Sheet assist applicants in organizing project documentation. The Photo Sheet provides field personnel with specific information that enables facility damages to be documented before work is accomplished. Force Account Labor Summary Record—The optional Force Account Labor Summary Record, is used to record applicant personnel cost. Force Account Equipment Summary Record—The optional Force Account Equipment Summary Record, is used to record applicant equipment costs. Materials Summary Record—The optional Materials Summary Record, is used to record the supplies and materials an applicant may take out of stock or purchase. Contract Work Summary Record—The optional Contract Work Summary Record, is used to record the costs of work that an applicant has done by contract. Rented Equipment Summary Record—The optional Rented Equipment Summary Record, is used to record the cost of rented or leased equipment. Special Considerations Questions—The key to expedited review and approval of emergency- or permanent-work projects is early identification of factors that affect compliance with environmental resources, disaster assistance, and historic preservation legislation and Executive Orders on floodplain, wetlands, and environmental justice. The optional Special Considerations Questions, assists applicants in organizing project documentation. It is more important that any considerations simply be noted on the PW thus alerting FEMA early on in the process to any problems or circumstances expected to result in noncompliance with the approved grant. A condition of all FEMA funded projects is that they conform to State and local laws and ordinances. Applicant's Benefits Calculation Worksheet—The optional Applicant's Benefits Calculation Worksheet is used to record the costs of fringe benefits for force account labor. PNP Facility Questionnaire—The optional PNP Facility Questionnaire is

used to help determine the eligibility of specific Private Non-Profit facilities.

Affected Public: State, Local or Tribal government, and Not-For-Profit Institutions.

Estimated Total Annual Burden Hours: 94,243.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)	Hourly cost estimate for personnel/staff	Annual cost
Progress Report	25	4	25	2,500	$40	$100,000
FEMA Form 90–49	114	53	[1] 10	1,007	25	25,175
FEMA Form 90–91, 90–91A, 90–91B, 90–91C, and 90–91D	564	53	[1] 90	44,838	30	1,345,140
FEMA Form 90–120	564	53	[1] 10	4,982	25	124,575
FEMA Form 90–121	20	53	[1] 30	530	25	13,250
FEMA Form 90–123	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–124	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–125	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–126	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–127	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–128	114	53	[1] 30	3,021	25	75,525
Total	222,488	.....	.....	94,243	.....	2,617,790

[1] Minutes.

Estimated Cost: All projects approved under the State disaster assistance grants will be subject to the cost sharing provisions established in the FEMA State Agreement and the Stafford Act. The cost to respondents for this information collection is estimated to be $2,617,790.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: James Walke, Branch Chief, Public Assistance Branch, Recovery Division, (202) 646–2751 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e:mail *muriel.anderson@fema.gov.*

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7174 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed [new, revised, or continuing—select one] information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the end-of-course evaluation form used for National Fire Academy field (off-campus) and State Weekend Program courses.

SUPPLEMENTARY INFORMATION: The National Fire Academy (NFA) is mandated under the Fire Prevention and Control Act of 1974, Public Law 93–498, to provide training and education to the Nation's fire and emergency response personnel. The programs offered by the Academy serve as models of excellence. To maintain the quality of these programs, it is necessary to evaluate them on an on-going basis. This National Fire Academy Course Evaluation Form is a key component for the measurement of quality assurance for NFA field (off-campus) and State Weekend Program courses. This form is used for courses delivered both on-campus and throughout the Nation.

Collection of Information

Title: National Fire Academy Course Evaluation Form.

Type of Information Collection: Extension of existing approved collection.

OMB Number: 3067–0233.

Form Numbers: FEMA Form 95–45.

Abstract: This National Fire Academy Course Evaluation Form is used in all field two-day (off-campus) and State Weekend Program courses. The form is primarily used to assess the effectiveness of the course materials and instructor delivery. The demographic information is used in developing needs assessments for future course development/revision efforts.

Affected Public: Individuals.

Estimated Total Annual Burden Hours: 6250.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
95–45	25,000	1	.25	6,250
Total	25,000	1	.25	6,250

Estimated Cost: $104,000 per year.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities and Services Management Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Gladhill, Program Analyst, National Fire Academy, (301) 447–1239 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

Virginia A. Akers,

Acting Branch Chief, Program Services and Systems Branch,Facilities and Services Management Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7176 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the renewal of the Standard Flood Hazard Determination form.

SUPPLEMENTARY INFORMATION: FEMA is seeking to extend the use of the Standard Flood Hazard Determination form, which is required by Title V of the National Flood Insurance Reform Act of 1994. No changes in the information collected will be made. Changes to the form's instructions, to include the purpose of the form, have been made.

Collection of Information

Title: Standard Flood Hazard Determination form.

Type of Information Collection: Extension.

OMB Number: 3067–0264.

Form Numbers: FEMA 81–93 Standard Flood Hazard Determination form.

Abstract: On September 23, 1994, the President signed the Riegle Community Development and Regulatory Improvement Act of 1994. Title V of this Act is the National Flood Insurance Reform Act (NFIRA). Section 528 of the NFIRA requires that FEMA develop a standard hazard determination form for recording the determination of whether a structure is located within an identified Special Flood Hazard Area and whether flood insurance is available. Section 528 of the NFIRA also requires the use of this form by regulated lending institutions, federal agency lenders, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Government National Mortgage Association for any loan made, increased, extended, renewed or purchased by these entities. The form developed to comply with the above requirements is the Standard Flood Hazard Determination form (FEMA form 81–93, dated October 1998). This form will be completed by federally regulated lending institutions when making, increasing, extending, renewing or purchasing each loan for the purpose of documenting the factors considered as to whether flood insurance is required and available. An estimated 20,000,000 such uses are made each year. This number is entirely driven by the volume of mortgage transactions, of which fluctuations in interest rates is a principal factor.

Affected Public: Business or other for-profit, Federal Government.

Estimated Total Annual Burden Hours: Completing the Standard Flood Hazard Determination form is estimated to average approximately 20 minutes per form. An estimated 20,000,000 forms per year, multiplied by 0.33 hours per form, results in an estimated burden of approximately 6,600,000 hours.

Estimated Cost: An estimated 0.33 hour per form multiplied, by 20 million forms per year, multiplied by $29 per hour results in an estimated annualized cost of $191,400,000.

Comments: Written comments are solicited to: (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to: Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Frederick Sharrocks, Mapping Support Branch Chief, Federal Insurance and Mitigation Administration, 202.646.2796, for additional information. Contact Ms. Anderson at (202) 646–2625 (voice), (202) 646–3347(facsimile), or e-mail address: *muriel.anderson@fema.gov* for copies of the proposed information collection.

Dated: March 19, 2002.

Virginia A. Akers,

Acting Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7177 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning information required by FEMA to amend or revise National Flood Insurance Program Maps to remove certain property from the 1-percent annual chance floodplain.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Cecelia Lynch, FEMA, Federal Insurance and Mitigation Administration at (202) 646–7045 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e:mail *muriel.Anderson@fema.gov.*

SUPPLEMENTARY INFORMATION: With the passage of the Flood Disaster Protection Act of 1973, an owner of a structure, with a federally backed mortgage, located in the 1-percent annual chance floodplain, was required to purchase federal flood insurance. This was in response to the escalating damage caused by flooding and the unavailability of flood insurance from commercial insurance companies. As part of this effort, FEMA mapped the 1-percent annual chance floodplain in communities. However, due to scale limitations, individual structures that may be above the base flood cannot always be shown as being out of the 1-percent annual chance floodplain. FEMA will issue a Letter of Map Amendment (LOMA) or a Letter of Map Revision—Based on Fill (LOMR–F) to waive the Federal requirement for flood insurance when data is submitted to show that the property or structure is ''reasonably safe from flooding'' and at or above the elevation of the base flood.

Collection of Information

Title: Right to Submit Technical or Scientific Data to Correct Mapping Deficiencies.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0147.

Form Numbers: FEMA Forms 81–87, 81–87A, 81–87B.

Abstract: The certification forms (referred to as MT–1 series forms) are designed to assist requesters in gathering information that FEMA needs to determine whether a certain property is likely to be flooded during the flood event that has a 1-percent annual chance of being equaled or exceeded in any given year (base flood).

FEMA Form 81–87, Property Information, describes the location of the property, what is being requested, and what data are required to support the request.

FEMA Form 81–87A, Elevation Information, indicates what the Base (1-percent annual chance) Flood Elevation (BFE) for the property is, how the BFE was determined, the lowest ground elevation on the property, and/or the elevation of the lowest adjacent grade to any structures on the property. This information is required in order for FEMA to determine if the property that the requester would like removed from the SFHA is at or above the BFE.

FEMA Form 81–87B, Community Acknowledgment, requires that a community official certify that the request complies with minimum floodplain management criteria specified in 44 CFR 60.3, as per NFIP regulations 44 CFR 65.5(a)(4).

Estimated Total Annual Burden Hours:

FEMA forms	No. of respondents (A)	Frequency of response (B)	Hours Per response (C)	Annual burden hours (A x B x C)
81–87	3,300	Annual	1.63	5,379
81–87A	3,300	Annual	0.67	2,211
81–87B	3,300	Annual	0.88	2,904
Total	3,300		3.18	10,494

Estimated Cost. Cost to respondents is estimated to be $346,459 annually, while the cost to the Federal Government is estimated to be $900,000 annually.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

Dated: March 20, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7194 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Request for Mitigation Assistance-Cerro Grande Mitigation Proposal.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0286.

Abstract: The information collected on the Request for Mitigation Assistance—Cerro Grande Mitigation Proposal, (FFCG–4) will be collected by claimants with the assistance of a FEMA mitigation specialist and will be used by mitigation specialist to determine if mitigation funding will be awarded to claimants. The information collection is addressed in the Cerro Grande Fire Assistance Act Final Rule published in the **Federal Register** on March 21, 2001. This data collection will continue until the closing data of August 28, 2003.

Affected Public: Individual or Households.

Number of Respondents: 800.

Estimated Time per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 2,400.

Frequency of Response: On Occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625 or facsimile number (202) 646–3347, or e-mail *muriel.anderson@fema.gov*.

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7175 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fee Schedule for National Flood Insurance Program Map and Insurance Products

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This Notice contains the revised fee schedule for processing requests for the National Flood Insurance Program (NFIP) map and insurance products available through the FEMA Map Service Center (MSC). The changes in the fee schedule will allow FEMA to reduce further the expenses to the NFIP by recovering more fully the costs associated with producing, retrieving, and distributing particular NFIP map and insurance products. This year, with the implementation of the MSC's new e-commerce site and conversion of the paper maps and studies to digital files, the MSC is also recommending fee charges for the new online Internet requests and CD products.

DATES: The revised fee schedule is effective for all requests dated, May 1, 2002, or later.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Mapping Support Branch, Federal Insurance and Mitigation Administration, 500 C Street SW., Washington, DC 20472; by telephone at (202) 646–2796 or by facsimile at (202) 646–4596 (not toll-free calls), by e-mail at *Frederick.Sharrocks@fema.gov.*

SUPPLEMENTARY INFORMATION: Throughout this Notice, we use ''we,'' ''our,'' and ''us'' to refer to FEMA.

This Notice contains the revised fee schedule for processing requests for NFIP map and insurance products available through the MSC.

Effective Date

The revised fee schedule is effective for all written requests, on-line Internet requests made through the FEMA Flood Map Store, and all telephone requests received on or after May 1, 2002. The revised fee schedule supersedes the current fee schedule for requests for Map and Insurance products, established May 3, 2000.

Evaluations Performed

To develop the revised fee schedule for requests for particular NFIP map and insurance products, we first evaluated the actual costs incurred at the MSC for producing, retrieving, and distributing those products. We then analyzed historical sales, cost data, and product unit costs for unusual trends or anomalies; analyzed the effect of program changes, new products, technology investments, and other factors on future sales and product costs. The products covered by this Notice are discussed in detail below.

Periodic Evaluation of Fees

As indicated in the Notice published in the **Federal Register** on May 3, 2000, a primary component of the fees is the prevailing private sector rates charged to FEMA for labor and materials. Because these rates and the actual production, retrieval, and distribution costs may vary from year to year, we will evaluate the fees periodically and publish a revised fee schedule, when appropriate, as a notice in the **Federal Register** Fee Schedule for Requests for Map and Insurance Products.

Our MSC distributes a variety of NFIP map and insurance products to a broad range of our customers, including Federal, State, and local government officials; real estate professionals; insurance providers; appraisers; builders; land developers; design engineers; surveyors; lenders; homeowners; and other private citizens. Specifically, our MSC distributes the following products:

• Paper (printed) copies of Flood Hazard Boundary Maps (FHBMs);
• Paper (printed) copies of Flood Insurance Rate Maps (FIRMs);
• Paper (printed) copies of Digital Flood Insurance Rate Maps (DFIRMs);
• Paper (printed) copies of Flood Insurance Study (FIS) reports, including the narrative, tables, Flood Profiles, photographs, and other graphics;
• Paper (printed) copies of Flood Boundary and Floodway Maps (FBFMs), when they are included as an exhibit in the FIS;
• Digital Q3 Flood Data files, which FEMA developed by scanning the published FIRM and vectorizing a thematic overlay of flood risks;
• Digital Q3 Flood Data files for Coastal Barrier Resource Areas (CBRA Q3 Flood Data files);
• Community Status Book, which is a report generated by FEMA's Community Information System database that provides pertinent map status information for all identified communities;
• Flood Map Status Information Service (FMSIS), through which FEMA provides status information for effective NFIP maps;
• Letter of Map Change (LOMC) Subscription Service, through which FEMA makes certain types of LOMCs available biweekly on CD-ROM;
• NFIP Insurance Manual (Full Manual), which provides vital NFIP information for insurance agents nationwide;
• NFIP Insurance Manual (Producer's Edition), which is used for reference and training purposes; and
• Community Map Action List (CMAL), which is a bimonthly list of communities and their NFIP status codes.

Based on our review of actual cost data and future trends, we revised our fee schedule for the products listed above to reflect actual production costs (i.e., printing and operating costs). Specifically, we increased both the processing fee and the shipping costs for paper copies of FHBMs, FIRMs, DFIRMs, FBFMs, and FIS reports, and we increased the shipping cost only for the Q3 Flood Data Files, CBRA Flood Data Files, Community Status Book, FMSIS, LOMC Subscription Service, NFIP Insurance Manuals, and CMAL. Federal, State, and local governments continue to be exempt from paying fees for the map products.

The MSC is now preparing to distribute its products in several new ways. While we will continue to ship paper products, we are ready to begin distributing digital products for download directly from the Internet and on CD. The following is a description of the MSC's new digital products:
• Maps on the Web—raster images of the FIRMs and Floodways in TIFF format.
• FIS on the Web—raster images of FIS in PDF format.
• Flood Map CDs without a Database—includes only the raster images of the maps and can be purchased by panel or in community, county, or state kits.
• F–MIT Light on the Web—a free downloadable flood map image view tool, to be used in conjunction with viewing TIFF images that supports panning, zooming, and creating a ''firmette''. A firmette is a user-defined ''cut-out'' section of the map at 100% map scale designed for printing on a standard office printer.
• F–MIT Light on CD—same as F–MIT Light on the Web, designed for use with the Flood Map CD without a Database.
• FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners on CD:* This document combine previous FEMA publications, guidance documents, and memorandums regarding Flood Hazard Mapping. The Guidelines reflect recent changes to processes and products associated with the implementation of the Map Modernization Program, including the Cooperating Technical Partners initiative, new Project Scoping procedures, and digital Flood Insurance Rate Map (DFIRM) specifications.

For more information on the map and insurance products available from the MSC, we invite interested parties to visit our MSC Web site at *http://www.fema.gov/msc.*

We show the revised fee schedule for the current products and the proposed fee schedule for the new products in the table below:

	Fee	Shipping
Paper Product or Service:		
Paper copies of FHBM, FIRM, DFIRM, or FBFM panels.	$2.00 per panel	$0.37 per panel for first 10 panels plus $0.03 for each additional panel.
Paper copies of FIS (not including FBFM panels that are included as exhibit).	$5.00 per FIS volume	$4.00 for first FIS plus $0.40 for each additional FIS.
Hurry Charge for FHBM, FIRM, DFIRM, FBFM, or FIS.	$33.00 per order	Based on product and units shipped; no additional shipping charge if customer provides own shipping account.
Q3 Flood Data Files	$50.00 per CD–ROM	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order
CBRA Q3 Flood Data Files	$50.00 per CD–ROM	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
Community Status Book (Individual Orders)	$2.50 per state	$1.00 per state
	$20.50 for entire U.S.	$4.26 for entire U.S.
Community Status Book (Annual Subscription).	$50.00 per state	Not applicable.
	$250.00 for entire U.S..	
FMSIS (Individual Orders)	$13 per state	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
	$38 for entire U.S.	
FMSIS (Annual Subscription)	$148 per state	Not appllicable.
	$419 for entire U.S..	
LOMC Subscription Service (Individual Orders).	$85 per per issue	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
LOMC Subscription Service (Annual Subscription).	$2,000	Not applicable.

	Fee	Shipping
NFIP Insurance Manual:		
(Full Manual)	$25.00 per copy for complete manual	$4.85 for the initial manual, plus $1.32 for each semi-annual update.
NFIP Insurance Manual (Producer's edition).	$15.00 per copy	$4.85 for the initial manual, plus $1.32 for each semi-annual update.
CMAL	No charge	$1.00 for each list.
Internet Products (Downloaded from the web):		
FIRMs	$1.50 per map panel	None.
FIS	$4.00 per study plus $1.50 per floodway	None.
F–MIT Light (view tool for map images)	Free	N/A.
CD Products:		
Maps on CD without County Database	$1.50 per panel	$3.65 for the first 4 CDs plus $0.10 for each additional CD.
FIS on CD	$4.00 per study plus $1.50 per floodway	$3.65 for the first 4 CDs plus $0.10 for each additional CD.
Priority Handling Charge added to regular charge.	$33.00	N/A.
F–MIT Light on CD (view tool for map images).	Free	$3.65.
FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners on CD*.	$2.60	$3.65.

Payment Submission Requirements

Fee payments for non-exempt requests must be made to us in advance of services being rendered. These payments shall be made in the form of a check or money order or by credit card payment. Checks and money orders must be made payable, in U.S. funds, to the *National Flood Insurance Program*.

We will deposit all fees collected to the National Flood Insurance Fund, which is the source of funding for providing these services.

Dated: March 20, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–7195 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 9, 2002.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Thomas Mark Huston, Columbus Junction, Iowa; to retain voting shares of CJSB Bancorporation, Columbus Junction, Iowa, and thereby indirectly retain voting shares of Columbus Junction State Bank, Columbus Junction, Iowa.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7156 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. CSB Financial Corporation, Teaneck, New Jersey; to become a bank holding company by acquiring 22.6 percent of the voting shares of Community State Bank, Teaneck, New Jersey.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7155 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 9, 2002.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Concord EFS, Inc., Memphis, Tennessee; to acquire Core Data Resources, Inc., Amarillo, Texas, and thereby engage in data processing activities, pursuant to § 225.28(b)(14)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.02–7154 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act; Meeting

Agency Holding the Meeting: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, April 1, 2002.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION CONTACT: Michelle A. Smith, Assistant to the Board; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7393 Filed 3–22–02; 3:42 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Public Workshop: Consumer Information Security

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice Announcing Public Workshop; Requesting Public Comment and Participation; and Correcting Earlier Notice With Respect to Dates of Public Workshop.

SUMMARY: The FTC is planning to host a public workshop to explore issues relating to the security of consumers' computers and the personal information stored in them or in company databases. This notice provides the correct dates for the public workshop.

DATES: The workshop will be held on Monday, May 20, 2002, from 9 a.m. to 5 p.m., and Tuesday, May 21, 2002, from 9 a.m. to 2 p.m., at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.[1]

Pre-registration: The event is open to the public and there is no fee for attendance. However, attendees are strongly encouraged to pre-register, as seating will be limited. To pre-register, please email your name and affiliation by April 29, 2002, to *securityworkshop@ftc.gov.*

Requests to participate as a panelist: As discussed below, written requests to participate as a panelist in the workshop must be filed on or before April 1, 2002. Persons filing requests to participate as a panelist will be notified on or before April 22, 2002, if they have been selected to participate.

Written comments: Whether or not selected to participate, persons may submit written comments on the Questions to be Addressed at the workshop. Such comments must be filed on or before April 29, 2002. For further instructions on submitting comments and requests to participate, please see the ''From and Availability of Comments'' and ''Requests to Participate as a Panelist in the Workshop'' sections below. To read our policy on how we handle the information you may submit, please visit *http://www.ftc.gov/ftc/privacy.htm.*

ADDRESSES: Written comments and requests to participate as a panelist in the workshop should be submitted to: Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Alternatively, they may be e-mailed to *securityworkshop@ftc.gov.*

FOR FURTHER INFORMATION CONTACT: L. Mark Eichorn, Division of Advertising Practices, 202–326–3053, Ellen Finn, Division of Financial Practices, 202–326–3296, or Laura Berger, Division of Financial Practices, 202–326–2471. The above staff can be reached by mail at: Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Background and Workshop Goals

The security of consumers' home computers is an issue of growing importance. The terms ''virus,'' ''worm,'' and ''Trojan horse'' have gained new meanings as ''Melissa,''

[1] An earlier **Federal Register** notice inadvertently provided incorrect dates for the public workshop. *See* 67 FR 10213 (March 6, 2002). This notice provides the correct dates for the public workshop, and is in all other respects substantively identical to the earlier **Federal Register** notice and to the notice and news release posted on the Commission website at http://www.ftc.gov/opa/2002/03/security.htm.

''ILOVEYOU,'' and ''Code Red'' infected computers across the globe. News of hackers' ''exploits'' make front page news. At the same time, more and more consumers access the Internet through ''always on'' DSL or cable Internet connections, which allow quick access to Internet content but also may be vulnerable to attack even when the consumer is not actively using the Internet. As consumers use their computers as repositories for sensitive information such as passwords, financial records, and health information, the potential destruction or disclosure of that information is cause for concern.

Another aspect of consumer security is whether consumers' personal information held by businesses is secure. When consumers interact with businesses—whether to check a bank account balance, register to receive information, or purchase a product or service—those businesses become custodians of consumers' personal information. An employee processing a consumer's payment or a consumer checking his or her account balance may want access to this information, but at the same time businesses face the challenge of securing it from access by external threats such as hackers or even by unauthorized insiders. Should a hacker gain access to a business' customer credit card database, for example, that intrusion may not only have serious consequences for that particular business and the consumer's financial well-being, but may also affect consumers' confidence and willingness to engage in e-commerce generally.

This workshop provides an opportunity for the Commission to explore information security issues that affect consumers. The questions to be addressed at the workshop would include:

1. The Current State of Information Security

- What are the security risks facing consumers?
- Are consumers aware of the risks?
- What are the costs to consumers of security measures and of security failures?
- Do consumers accurately assess security risks?
- How does consumers' security affect the network as a whole?

2. Security Issues Relating to Consumers' Home Information Systems

- What steps can consumers take to reduce their security risks?
- What information resources or security products are available to help consumers protect themselves?
- If consumers' lack of awareness or technical expertise lead to security vulnerabilities, what steps can be taken to raise awareness or educate consumers?
- What types of awareness and education initiatives are currently being pursued?
- What are the ''best practices'' being implemented by businesses to assist consumers in safeguarding their home information system?

3. Security Issues for Businesses that Maintain Consumers' Personal Information

- What practical challenges do businesses face in securing their computer systems, and specifically consumers' personal information that is stored on them?
- What are the costs to businesses of security measures and of security failures?
- What measures can businesses, especially smaller businesses, take to secure their computer systems and the consumer information stored on them?
- What information resources are available to help these businesses?
- What are the ''best practices'' being implemented by businesses to address these issues?

4. Emerging Business Models, Technologies, and Best Practices

- What are the existing business models for security, and are they sustainable over the long term?
- What technologies, business models, or initiative are emerging in the marketplace to address the security of consumers' information?

5. Revising the OECD Security Guidelines

Commissioner Orson Swindle is leading the U.S. delegation to the Organization for Economic Cooperation and Development (''OECD'') Experts Group reviewing the OECD Guidelines for the Security of Information Systems. These voluntary guidelines contain principles which provide a framework for participants to think about information and network security practices, policies, and procedures. The guidelines discuss cultivating a ''culture of security'' and contain nine policy principles for the security of information systems and networks, as well as principles relating to the life cycle of information systems and networks. The guidelines specifically address: raising awareness of security risks; responsibility for the security of information systems; designing security into system architecture; and risk management, assessment, and monitoring. Because the principles provide a helpful framework for thinking about security issues, the Commission plans to present a panel discussion on the Security Guidelines.

Form and Availability of Comments

The FTC requests that interested parties submit written comments on the above questions to facilitate greater understanding of the issues. Of particular interest are any studies, surveys, research, and empirical data. Comments should indicate the number(s) of the specific question(s) being answered, provide responses to questions in numerical order, and use a separate page for each question answered. Comments should be captioned ''Consumer Information Security Workshop—Comment, P024512,'' and must be filed on or before April 29, 2002.

Parties sending written comments should submit an original and two copies of each document. To enable prompt review and public access, paper submissions should include a version on diskette in PDF, ASCII, WorkPerfect, or Microsoft Word format. Diskettes should be labeled with the name of the party, and the name and version of the word processing program used to create the document. Alternatively, comments may be mailed to *securityworkshop@ftc.gov*.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and FTC regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. This notice and, to the extent technologies possible, all comments will also be posted on the FTC website at *www.ftc.gov/securityworkshop.*

Registration Information

The workshop will be open to the public and there is no fee for attendance. As discussed above, pre-registration is strongly encouraged, as seating will be limited. To pre-register, please email your name and affiliation to *securityworkshop@ftc.gov* by April 29, 2002. A detailed agenda and additional information on the workshop will be posted on the FTC's website at *www.ftc.gov/securityworkshop* before May 20, 2002.

Requests To Participate as a Panelist in the Workshop

Those parties who wish to participate as panelists in the workshop must notify

the FTC in writing of their interest in participating on or before April 1, 2002, either by mail to the Secretary of the FTC or by e-mail to *securityworkshop@ftc.gov.* Requests to participate as a panelist should be captioned ''Consumer Information Security Workshop—Request to Participate, P024512.'' Parties are asked to include in their requests a statement setting forth their expertise in or knowledge of the issues on which the workshop will focus and their contact information, including a telephone number, facsimile number, and email address (if available), to enable the FTC to notify them if they are selected. An original and two copies of each document should be submitted. Panelists will be notified on or before April 22, 2002 whether they have been selected.

Using the following criteria, FTC staff will select a limited number of panelists to participate in the workshop. The number of parties selected will not be so large as to inhibit effective discussion among them.

1. The party has expertise in or knowledge of the issues that are focus on the workshop.

2. The party's participation would promote a balance of interests being represented at the workshop.

3. The party has been designated by one or more interested parties (who timely file requests to participate) as a party who shares group interests with the designator(s). In addition, there will be time during the workshop for those not serving as panelists to ask questions.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–7172 Filed 3–25–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services Announces the Following Advisory Committee Meeting

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

Time and Date: 9 a.m. to 5 p.m., April 9, 2002;9 a.m. to 3 p.m., April 10, 2002.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW., Washington, DC.

Status: Open.

Purpose: This meeting will be conducted as a hearing. The Subcommittee will hear testimony and discussion on two topics: One, the potential replacement of the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD–9–CM) Volume 3 (procedures) with the International Classification of Diseases Procedure Coding System (ICD–10–PCS); and two, gaps in the current Health Insurance Portability and Accountability Act of 1996 (HIPAA) medical data code sets.

For More Information Contact: Substantive program information as well as summaries of meetings and a roster of Committee members may be obtained from Karen Trudel, Senior Technical Advisor, Security and Standards Group, Centers for Medicare and Medicaid Services, MS: N2–14–17, 7500 Security Boulevard, Baltimore, MD 21244–1850, telephone: 410–786–9937; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone: (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site:*http://www.ncvhs.hhs.gov/* were an agenda for the meeting will be posted when available.

Dated: March 19, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–7214 Filed 3–25–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Health Care Policy and Research Special Emphasis Panel (SEP); Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

The Health Care Policy and Research Special Emphasis Panel is a list of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ) and agree to be available, to conduct, on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not meet regularly and do not serve for fixed or long terms. Rather, they are asked to serve for particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for Small Research Project Awards are to be reviewed and discussed at this meeting. These discussions are likely to include personal information concerning individuals associated with these applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *SEP Meeting on:* Health Services Research Small Research Projects.

Date: March 26, 2002 (Open on March 26, from 2:30 p.m. to 2:40 p.m. and closed for remainder of the teleconference meeting).

Place: Agency for Healthcare Research and Quality, 2101 East Jefferson Street, 5th Floor Conference Room, 5W4, Rockville, MD 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1846.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: March 19, 2002.

Lisa Simpson,

Deputy Director.

[FR Doc. 02–7178 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Contract Review Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Technical Review Committee (TRC) meeting. This TRC's charge is to review contract proposals and provide recommendations to the Director, AHRQ, with respect to the technical merit of proposals submitted in response to a Request for Proposals (RFP) regarding an ''Evidence-Based Practice Center (EPC II)''. The RFP was published in the Commerce Business Daily on January 31, 2002.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C.,

Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary information and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: The Agency for Healthcare Research and Quality—''Evidence-Based Practice Center (EPC II)''.

Date: April 9–10, 2002 (Closed to the public).

Place: Agency for Healthcare Research and Quality, 6010 Executive Blvd, 4th Floor, Conference Center, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Jacqueline Besteman, Center for Practice and Technology Assessment, Agency for Healthcare Research and Quality, 6010 Executive Blvd, Suite 300, Rockville, Maryland 20852, 301–594–4017.

Dated: March 14, 2002.

Lisa A. Simpson,

Deputy Director.

[FR Doc. 02–7196 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–32]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Symptoms Associated with the Convalescent Period of a Dengue Infection—New—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC).

Dengue is a vector-borne febrile disease of the tropics transmitted most often by the mosquito *Aedes aegypti.* Symptoms of the acute disease include fever, headache, rash, retro-orbital pain, myalgias, arthralgias, vomiting, abdominal pain and hemorrhagic manifestations.

Many symptoms are mentioned in the medical literature as associated with the convalescent period (3–8 weeks) after dengue infection, including depression, dementia, loss of sensation, paralysis of lower and upper extremities and larynx, epilepsy, tremors, manic psychosis, amnesia, loss of visual acuity, hair loss, and peeling of skin. No epidemiologic study has been conducted to define the timing, frequency and risk factors for these symptoms. The objective of this study is to examine the incidence and characteristics of mental health disorders and other complications associated with dengue infection and convalescence.

The study will be conducted in Puerto Rico, where dengue is endemic and causes severe sporadic epidemics. Laboratory positive confirmed cases of dengue, laboratory negative suspected dengue cases and neighborhood controls will be prospectively enrolled in the study. Person-to-person interviews with adults (age 18 years or greater) will be conducted and information will be collected regarding symptoms experienced during the convalescent phase of the infection. There are no costs to respondents.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Total burden (in hours)
Laboratory positive confirmed dengue	200	2	1	400
Dengue negative control	200	2	1	400
Neighborhood control	200	2	1	400
Total				1200

Dated: March 18, 2002.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–7158 Filed 3–25–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

ICD–9–CM Coordination and Maintenance Committee Meeting; National Center for Health Statistics (NCHS), Data Policy and Standards Staff, Announces the Following Meeting

Name: ICD–9–CM Coordination and Maintenance Committee meeting.

Time and Date: 9 a.m.–5 p.m., April 18–19, 2002.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland.

Status: Open to the public.

Purpose: The ICD–9–CM Coordination and Maintenance (C&M) Committee will hold its first meeting of the 2002 calendar year cycle on Thursday and Friday April 18–19, 2002. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

Matters To Be Discussed: Agenda items include: Asthma, Neurologic topics, Myasthenia gravis in crisis, Sickle Cell disease, delayed separation of umbilical cord, Facial droop, long-term antiplatelet/antithrombotic (aspirin) use, artificial heart status/complications of artificial heart, encounter for insulin pump titration and training, ICD–10 Procedure Classification System (PCS)—Update Classic Infrafascial Semm Hysterectomy (CISH), Laparoscopic Assisted Supracervical Hysterectomy (LASH), intra-arterial blood gas monitoring, multi-level spinal fusion, vascular access device, addenda.

Contact Person for Additional Information: Amy Blum, Medical Classification Specialist, Data Policy and Standards Staff, NCHS, 6526 Belcrest Road, Room 1100, Hyattsville, Maryland 20782, telephone 301/458–4106 (diagnosis), Amy Gruber, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Blvd., Room C4–07–07, Baltimore, Maryland, 21244 telephone 410–786–1542 (procedures).

Notice: In the interest of security, (CMS) has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Notice: This is a public meeting. However, because of fire code requirements, should the number of attendants meet the room capacity, the meeting room will be closed.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 15, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–7185 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Injury Prevention and Control (ACIPC) Family and Intimate Violence Prevention Subcommittee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

Name: ACIPC Family and Intimate Violence Prevention Subcommittee.

Time and Date: 8:30 a.m.–12 p.m., April 16, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: To advise and make recommendations to ACIPC and the Director, National Center for Injury Prevention and Control (NCIPC), regarding feasible goals for prevention and control of family and intimate violence and sexual assault. The Subcommittee will make recommendations regarding policies, strategies, objectives and priorities.

Matters to be Discussed: The Subcommittee will discuss the (1) FY 2002 Activities of NCIPC and the Division of Violence Prevention (DVP), and (2) Overview of Proposed Changes to the ACIPC.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Pamela Chin, Deputy Director, Office of the Director, DVP, NCIPC, CDC, 4770 Buford Highway, NE, M/S K60, Atlanta, Georgia 30341–3724, telephone 770/488–1378.

Name: Science and Program Review Subcommittee (SPRS) and the Advisory Committee for Injury Prevention and Control (ACIPC): Meetings.

Time and Date: 8 a.m.–12 p.m., April 16, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The Subcommittee provides advice on the needs, structure, progress and performance of the National Center for Injury Prevention and Control (NCIPC) programs. The Subcommittee provides second-level scientific and programmatic review for applications for research grants, cooperative agreements, and training grants related to injury control and violence prevention, and recommends approval of projects that merit further consideration for funding support. The Subcommittee also advises on priorities for research to be supported by contracts, grants, and cooperative agreements and provides concept review of program proposals and announcements.

Matters to be Discussed: Agenda items include updates from the Subcommittee's Executive Secretary, the role of the Subcommittee, fiscal year 2002 research Request for Applications, dissemination of extramural research findings, and a progress report on completing and implementing the research agenda.

Name: Advisory Committee for Injury Prevention and Control.

Time and Dates: 1:30 p.m.–5:30 p.m., April 16, 2002. 8:30 a.m.–3 p.m., April 17, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The Committee advises and makes recommendations to the Secretary, Health and Human Services, the Director, CDC, and the Director, NCIPC, regarding feasible goals for the prevention and control of injury. The Committee makes recommendations regarding policies, strategies, objectives, and priorities, and reviews progress toward injury prevention and control. The Committee provides advice on the appropriate balance of intramural and extramural research, and also provides guidance on the needs, structure, progress and performance of intramural programs, and on extramural scientific program matters. The Committee provides second-level scientific and programmatic review for applications for research grants, cooperative agreements, and training grants related to injury control and violence prevention, and recommends approval of projects that merit further consideration for funding support. The Committee also recommends areas of research to be supported by contracts and cooperative agreements and provides concept review of program proposals and announcements.

Matters to be Discussed: Agenda items include an update from the Director, NCIPC; a review and determination on committee rules and draft criteria for subcommittees and workgroups; workgroup reports; reports from the Science and Program Review Subcommittee and the Family and Intimate Violence Prevention Subcommittee; a presentation and discussion on state health departments and their role in injury prevention and control; current status of injury prevention and control in states; Association of State and Territorial Health Officials' perspective on the challenges of building capacity for injury control and prevention in state health departments;

implementing an injury prevention program in the states; training needs and issues to build capacity in state health departments for injury prevention and control; broadening the focus of injury prevention programs in the areas of intentional and unintentional injury; a presentation on how NCIPC is moving forward; discussion and recommendations from the Committee; progress report on the research agenda; update on NCIPC's Tenth Anniversary Events; and recommendations for presentation to the Committee.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Louise Galaska, Executive Secretary, ACIPC, NCIPC, CDC, 4770 Buford Highway, NE, M/S K02, Atlanta, Georgia 30341–3724, telephone 770/488–4694.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 15, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–7184 Filed 3–25–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 66 FR 56562–63, dated November 8, 2001) is amended to establish the organizational structure within the National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

After the mission statement for the *National Center on Birth Defects and Developmental Disabilities (CF),* insert the following:

Office of the Director (CF1). (1) Directs, manages, and coordinates the activities of the National Center on Birth Defects and Developmental Disabilities (NCBDDD); (2) develops goals and objectives; provides leadership, policy formulation, scientific oversight, and guidance in program planning and development; (3) coordinates NCBDDD program activities with other CDC components, Federal agencies, international organizations, State and local health agencies, business and industry, voluntary organizations, and community-based organizations; (4) coordinates technical assistance to states, other nations and international organizations; (5) coordinates with medical, scientific, and other professional organizations interested in birth defects prevention, pediatric genetics, developmental disabilities prevention, and disabilities and health; (6) advises the Director, CDC, on policy matters concerning NCBDDD activities.

Resource Management Office (CF12). (1) Plans, coordinates, and provides administrative and management advice and guidance for NCBDDD; (2) provides and coordinates Center-wide administrative, management, and support services in the areas of fiscal management, personnel, travel, procurement, facility management, and other administrative services; (3) prepares annual budget plans and budget justifications; (4) coordinates NCBDDD requirements relating to contracts, grants, cooperative agreements, and reimbursable agreements; (5) develops and implements administrative policies, procedures, and operations, as appropriate, for NCBDDD, and prepares special reports and studies, as required, in the administrative management areas; (6) maintains liaison with related staff offices and other officials of CDC.

Division of Birth Defects and Developmental Disabilities (CF2). (1) Conducts research to determine the causes and prevention of birth defects and developmental disabilities; (2) maintains and expands support for state-based surveillance; (3) evaluates the effectiveness of efforts to prevent birth defects and developmental disabilities; (4) conducts and disseminates findings of epidemiologic research, investigations, demonstrations, and programs directed toward the prevention of selected adverse reproductive outcomes that are environmentally related; (5) provides assistance to State and local health departments on community exposures to terotogenic, mutagenic, embryotoxic, other environmental agents, and genetic influences adversely interfering with normal growth and development; (6) conducts research and develops programs to identify women at high risk of an alcohol-exposed pregnancy and to fund epidemiologic and clinical research studies aimed at early identification and intervention of children affected by prenatal alcohol exposure; (7) works closely with international organizations and entities in developing strategies and programs for reducing the number of birth defects and developmental disabilities; (8) develops and evaluates prevention strategies and provides training, technical consultation, and assistance to States and localities in developing their capacity for planning, establishing, and maintaining surveillance and prevention programs; (9) maintains and oversees funding and technical assistance to state-based institutions (e.g., the Centers for Birth Defects Research and Prevention that seek causes and promotes prevention of birth defects; (10) plans, develops, establishes, and maintains systems of surveillance including registries for monitoring, evaluating and disseminating information; (11) assists in increasing the capacity of States to prevent and control birth defects and developmental disabilities through training, technology transfer, grants, cooperative agreements, contracts, and other means; (12) provides information and education to the public; (13) provides services, consultation, technical assistance, and information to States, localities, other Federal agencies, international organizations, and other public and private organizations; (14) provides training in the epidemiology to professionals throughout the U.S. and abroad; and (15) collaborates and coordinates activities with other CIOs and HHS agencies.

Division of Human Development and Disability (CF3). (1) Conducts, analyzes, and disseminates disability surveillance data to identify: the distribution of disabilities in state populations; health conditions that occur with greater frequency among people with disabilities relative to those without disability; and risk and protective behaviors compared to people without disabilities; (2) assists States and localities with the development, monitoring and evaluation of blood spot screening and early hearing detection and intervention (EHDI) tracking and surveillance systems; (3) plans, establishes, and maintains systems of surveillance, including registries, for monitoring, evaluating, and disseminating information on disability and related conditions and detrimental child outcomes; (4) oversees and manages grants, cooperative agreements, contracts, and other funding instruments related to Division

programs; (5) assists States and localities in developing their capacity for serving individuals with disabilities and secondary conditions (e.g., developing prevention strategies, providing training and technical consultation); (6) collaborates with universities, Federal, national, and State organizations to identify and address knowledge and research gaps in disability, hearing and vision loss, child development, and blood spot screening; (7) collaborates with universities and other organizations to investigate environmental, social, and technological supports to promote social participation and human development; (8) conducts applied research on public health aspects of normal and abnormal child development (e.g., early childhood, behavior problems in children); (9) conducts research on etiology of hearing loss and associated disabilities, cost and effectiveness of EHDI programs, family issues related to the EHDI programs and long-term benefits of early identification and intervention; (10) conducts research on interventions to prevent adverse child developmental outcomes; (11) conducts and disseminates research findings about people with disabilities, with special emphasis on women, children, and older persons; (12) develops and disseminates information on public health aspects of normal and abnormal child development (e.g., early childhood, hearing loss, behavior problems in children); (13) provides information and education to the public on disabilities; and (14) develops programs that seek to identify health risks, protective factors and measure the effectiveness of health promotion activities for prevention of conditions related to disability.

Dated: March 15, 2002.

Jeffrey P. Koplan,

Director.

[FR Doc. 02–7157 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–P–0015SPA]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. Due to the events of September 11, 2001, the timing of this proposed information collection has been negatively affected. We are requesting Emergency OMB review for this supplement since this is a beneficial survey and it can do no harm if OMB acted upon this sooner than the normal timeframe. The 60-day **Federal Register** notice was published on January 8, 2002, for which we solicited public comment. CMS is requesting OMB review and approval of this collection by April 25, 2002, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by April 22, 2002.

Type of Information Collection Request: New collection; *Title of Information Collection:* Medicare Current Beneficiary Survey—Supplement on Patient Activation; *Form No.:* CMS–P–0015SPA (OMB# 0938–NEW); *Use:* A primary theme of the NMEP education efforts has been to help Medicare beneficiaries make choices. Simply providing uniform information to an undifferentiated audience is not sufficient. CMS needs to know whether beneficiaries have the communication skills, motivation and basic knowledge of their own health status to be partners in their own health care. The purpose of this survey supplement is to assess the degree to which Medicare beneficiaries participate actively in their own health care decisions.; *Frequency:* One-time; *Affected Public:* Individuals or households; *Number of Respondents:* 16,000; *Total Annual Responses:* 16,000; *Total Annual Hours:* 2,666.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by April 22, 2002: Centers for Medicare and Medicaid Services, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262. Attn: Dawn Willinghan, CMS–P–0015SPA; and, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Eydt, CMS Desk Officer.

Dated: March 20, 2002.

Julie Brown,

Acting, CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7209 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–250 through 254, CMS–10008, and CMS–287]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

(1.) *Type of Information Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Secondary Payer Information Collection and Supporting Regulations in 42 CFR 411.25, 489.2, and 489.20; *Form Number:* CMS–250 through CMS–254 (OMB# 0938–0214); *Use:* Medicare Secondary Payer (MSP) is essentially the same concept known in the private insurance industry as coordination of benefits and refers to those situations where Medicare does not have primary responsibility for paying the medical expenses of a Medicare beneficiary. CMS contracts with health insuring organizations, herein referred to as intermediaries and carriers, to process Medicare claims. CMS charges its Medicare intermediaries and carriers with various tasks to detect MSP cases; develops and disseminates tools to enable them to better perform their tasks; and monitors their performance in achievement of their assigned MSP functions. Because intermediaries and carriers are also marketing health insurance products that may have liability when Medicare is secondary, the MSP provisions create the potential for conflict of interest. Recognizing this inherent conflict, CMS has taken steps to ensure that its intermediaries and carriers process claims in accordance with the MSP provisions, regardless of what other insurer is primary. These information collection requirements describe the MSP requirements and consist of the following:

1. Initial enrollment questionnaire
2. MSP claims investigation, which consists of first claim development, trauma code development, self-reporting MSP liability development, notice to responsible third party development (411.25 notice), secondary claims development, and ''08'' development (involving claims where information cannot be obtained from the beneficiary)
3. Provider MSP development, which requires the provider to request information from the beneficiary or representative during admission and other encounters; *Frequency:* On occasion; *Affected Public:* Individuals or households, business or other for-profit, and not-for-profit institutions; *Number of Respondents:* 867,863,540; *Total Annual Responses:* 867,863,540; *Total Annual Hours Requested:* 2,779,942.

(2.) *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Recognition of Pass-Through Payment for Drugs and Biologicals Under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR 419.43 formerly known as ''Recognition of New Technology/Pass-Through Items Under the Prospective Payment System for Hospital Outpatient Services''; *Form No.:* CMS–10008 (OMB# 0938–0802); *Use:* This information is necessary to determine items eligible for payment as new technology within the ambulatory payment classification (APC) system as well as items eligible for the transitional pass-through payment provision as required by section 201 of the BBRA. This collection will enable CMS to implement those special payment provisions; *Frequency:* On Occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 55; *Total Annual Responses:* 55; *Total Annual Hours:* 193.

(3.) *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home Office Cost Statement and Supporting Regulations in 42 CFR 413.17 and 413.20; *Form No.:* CMS–287 (OMB# 0938–0202); *Use:* Medicare law permits components of chain organizations to be reimbursed for certain costs incurred by the chain home offices. The Home Office Cost Statement is required by the fiscal intermediary to verify Home Office Costs claimed by the components. *Frequency:* Annually; *Affected Public:* Not-for-profit institutions and business or other for-profit; *Number of Respondents:* 1,231; *Total Annual Responses:* 1,231; *Total Annual Hours Requested:* 573,646.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer:

OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 12, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7210 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–339]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) if the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. This is necessary to ensure compliance with 5 U.S.C. 1395g and 42 CFR 413.20 and 413.24. We cannot reasonably comply with the normal clearance procedures because the approval for this collection was inadvertently allowed to lapse. The CMS–339's purpose is to assist the provider in preparing an acceptable cost report and to minimize subsequent contact between the provider and its intermediary. If the information is not collected, then the fiscal intermediary will have to go onsite to each provider to get this information. Consequently, it is far less burdensome and extremely cost effective to capture this information through the CMS–339. It is essential to have this information to maintain the provider profile and to scope (i.e., special, limited or full) the audit.

We are currently working on elimination of form CMS–339 and including the applicable questions on the individual cost report forms. In an effort to eliminate the requirement for information no longer needed, we reviewed the comments received from the Federation of American Hospitals, American Hospital Association, and others. This resulted in our issuance of Program Memorandum A–01–137, entitled Modification to Form CMS–339 Requirements, Provider Cost Reimbursement Questionnaire. This has deleted Exhibit 6, Providers Owners/Management Personnel Compensation Exhibit. It has eliminated several questions from other exhibits for all providers. Exhibits 2, 3, and 4, Provider-Based Physicians, were eliminated for many providers.

We intend to revise the CMS–339 if the revisions planned for the cost reports are not operational before we have completely implemented the revised forms CMS–885 (Provider enrollment) (there are redundancies between the forms CMS–339 and 855). Those forms will not have been collected from all providers until three years after OMB approval. If the cost reports are revised to include the pertinent questions from the form CMS–339 (and the latter form eliminated) before the end of that three year period, we will then remove those questions from the cost reports.

CMS is requesting OMB review and approval of this collection by March 29, 2002, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by March 28, 2002. We published a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements on February 8, 2002. We will submit the requirements for OMB review and an extension of this emergency approval during the 180-day approval period.

Type of Information Collection Request: Reinstatement of a previously approved collection.

Title of Information Collection: Medicare Provider Cost Report Reimbursement Questionnaire and Supporting Regulations in 42 CFR 413.20, 413.24, 415.50, 415.55, 415.60, 415.70, 415.150, 415.152, 415.160, and 415.162.

Form No.: CMS–339 (OMB# 0938–0301).

Use: The Medicare Provider Cost Report Reimbursement Questionnaire must be completed by all providers to assist in preparing an acceptable cost report, to ensure proper Medicare reimbursement, and to minimize subsequent contact between the provider and it fiscal intermediary. It is designed to answer pertinent questions about key reimbursement concepts found in the cost report and to gather information necessary to support certain financial and statistical entries on the cost report. In addition, it provides an audit trail for the fiscal intermediary.

Frequency: Annually.

Affected Public: Business or other for-profit, not-for-profit institutions, and State, local and tribal government.

Number of Respondents: 33,144.

Total Annual Responses: 33,144.

Total Annual Hours: 1,342,332.

We have submitted a copy of this notice to OMB for its review of these information collections. A notice will be published in the **Federal Register** when approval is obtained.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by March 28, 2002.

Centers for Medicare and Medicaid Services, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262. Attn: Julie Brown, CMS–339, and,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167 Attn: Allison Eydt, CMS Desk Officer.

Dated: March 20, 2002.

Julie Brown,

Acting CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7211 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631–02–01]

Developmental Disabilities: Notice of Availability of Financial Assistance and Request for Applications To Fund Family Support Model Demonstration Projects Under the Projects of National Significance Program

AGENCY: Administration on Developmental Disabilities (ADD), ACF, DHHS.

ACTION: Notice.

SUMMARY: The Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), is accepting

applications for Fiscal Year 2002 Family Support Demonstration Projects.

This Program Announcement No. 93631–02–01 consists of five parts. Part I, the Introduction, discusses the goals and objectives of ACF and ADD. Part II provides background information on ADD for applicants. Part III describes the application review process. Part IV contains several components including: description of eligible applicants, purpose of project funds, requirements of project design, and evaluation criteria. Part V describes the process for preparing and submitting the application.

Grants will be awarded under this Program Announcement subject to the availability of funds for support of these activities.

DATES: The closing date for submittal of applications under this announcement is May 28, 2002.

Deadline

Applications Submitted by Mail

Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, ACF/Office of Grants Management, 370 L'Enfant Promenade SW., Mail Stop 326F, Washington, DC 20447–0002, Attention: Lois B. Hodge. Any applications received after 4:30 p.m. on the deadline date will not be considered for competition.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private metered postmarks shall not be acceptable as proof of timely mailing.

Application Submitted by Courier

Applications *handcarried* by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, Monday through Friday (excluding Federal holidays), at the U.S. Department of Health and Human Services, ACF/Office of Grants Management, ACF Mailroom, 2nd Floor (near Loading Dock), Aerospace Center, 901 D Street, SW., Washington, DC 20024. Applicants using express/overnight services should allow two working days (Monday through Friday, excluding holidays) prior to the deadline date for receipt of applications. (**Note** to applicants: Express/overnight mail services do not always deliver at the time to which they agreed.)

Receipt of Applications: Applications must either be hand delivered or mailed to the addresses listed above (under DEADLINE). ACF cannot accommodate transmission of applications by fax or through other electronic media. Applications transmitted electronically will not be accepted. Videotapes and cassette tapes may not be included as part of a grant application for panel review.

Additional material will not be accepted, or added to an application, unless it is postmarked by the deadline date.

Late Applications: Applications that do not meet the criteria above are considered late applications. ADD shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: The Administration for Children and Families (ACF) may extend application deadlines when circumstances such as acts of God (e.g., floods, hurricanes) occur, or when there is widespread disruption of the mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

FOR FURTHER INFORMATION CONTACT: For information about the application process, program information and application materials contact, Administration for Children and Families (ACF), Joan Rucker, 370 L'Enfant Promenade, SW., Mail Stop 300–F, Washington, DC, 20447, 202/690–7898; or *add@acf.dhhs.gov.*

Copies of this program announcement and many of the required forms may be obtained electronically at the ADD World Wide Web Page: *http://www.acf.dhhs.gov/programs/add/.*

Notice of Intent To Submit Application: If you intend to submit an application, please contact, Joan Rucker of ADD at (202) 690–7898 within 15 days of the date of this announcement. Please give the number, and title of this announcement, your organization's name and address, and your contact person's name, phone and fax numbers, and e-mail address. The information will be used to determine the number of expert reviewers needed and to update the mailing list for Program Announcements.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). ADD shares goals with other ACF programs that promote the economic and social well being of families, children, individuals and communities. ACF and ADD envision:

- Families and individuals empowered to increase their own economic independence and productivity;
- Strong, healthy, supportive communities having a positive impact on the quality of life and the development of children;
- Partnerships with individuals, front-line service providers, communities, States and Congress that enable solutions which transcend traditional agency boundaries;
- Services planned and integrated to improve client access;
- A strong commitment to working with Native Americans, persons with developmental disabilities, refugees and migrants to address their needs, strengths and abilities; and
- A community-based approach that recognizes and expands on the resources and benefits of diversity.

These goals will enable individuals, including people with developmental disabilities; to live productive and independent lives integrated into their communities.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs to promote the self-sufficiency and protect the rights of persons with developmental disabilities. ADD implements the Developmental Disabilities Assistance and Bill of Rights Act (the DD Act) that was reauthorized in 2000. The DD Act defines developmental disabilities, reauthorizes four major programs under ADD, devolves advocacy authority to the States, promotes consumer oriented systems change and capacity building activities and facilitates network formations.

This Act supports and provides assistance to States, public, private nonprofit agencies, and organizations to assure that individuals with

developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, integration and inclusion into the community.

The Act established, in part, as the policy of the United States:

- Individuals with developmental disabilities have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;
- Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports such individuals and their families receive; and play decision making roles in policies and programs that affect the lives of such individuals and their families; and
- Services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preference, and cultural differences.

Toward these ends, ADD seeks: to enhance the capabilities of families in assisting people with developmental disabilities to achieve their maximum potential; to support the increasing ability of people with developmental disabilities to exercise greater choice and self-determination; to engage in leadership activities in their communities; as well as to ensure the protection of their legal and human rights.

The four programs funded under the DD Act are:

(1) State Council on Developmental Disabilities that engage in advocacy, capacity building and systematic change activities.

(2) Protection and Advocacy System (P&A's) that protect the legal and human rights of individuals with developmental disabilities.

(3) The National Network of University Centers for Excellence in Developmental Disabilities (UCDD's) that engages in training, outreach and dissemination activities.

(4) The Projects of National Significance (PNS), including Family Support Grants, support the development of family centered and directed systems for families of children with disabilities.

All ADD programs must engage in activities related to advocacy, capacity building and systems change in one or more areas of emphasis. These areas of emphasis are: child-care related activities; early intervention and education activities; employment-related activities; health-related activities; housing-related activities; recreation-related activities; transportation-related activities; and quality assurance activities.

C. Statutory Authorities Covered Under This Announcement

This announcement is covered under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15000, *et.seq.* The Projects of National Significance are Part E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15081, *and et.seq.* Provisions under this section provides for the award of grants, contracts, or cooperative agreements for projects of national significance that support the development of national and state policies that reinforce and promote the self-determination, independence, productivity, and integration and inclusion in all facets of community life of individuals with developmental disabilities through family support activities, data collection and analysis, technical assistance to entities that provide family support and data collection activities and other projects of sufficient size and scope that hold promise to expand or improve opportunities for individuals with developmental disabilities.

Part II. Background Information For Applicants

A. Description of Family Support Program

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C., *et. Seq.* was authorized on October 30, 2000. The DD Act includes a new Title II, the ''Families of Children With Disabilities Support Act of 1999''. The purpose of this new family support program is for states to create or expand statewide systems change. It allows for the award of competitive, grants to conduct training, technical assistance, and other national activities designed to address the problems that impede the self-sufficiency of families with children with disabilities. Although funds have never been appropriated, ADD intends to promote the intent of Title II, by awarding Family Support Grants through the provisions stated in Subtitle E—Projects of National Significance.

Part III. The Application Review

A. Eligible Applicants

Only public or non-profit private entities, *not individuals,* are eligible to apply under this announcement. All applications developed jointly by more than one agency or organization must identify only one organization as the lead organization and the official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by submitting a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, *or* by providing a copy of a valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation is located. ADD cannot fund a nonprofit applicant without acceptable proof of its nonprofit status.

Before applications under this Program Announcement are reviewed, each one will be screened to determine whether the applicant is eligible for funding. Applications from organizations that do not meet eligibility requirements will not be considered or reviewed in the competition, and the applicant will be so informed.

Faith-based organizations are eligible to apply for these family support grants if they meet the eligibility requirements stated above. All applicants must submit a letter of designation as the lead entity for coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities. The designation must be by the Chief Executive Officer of their State.

B. Review Process and Funding Decisions

Applications from eligible applicants received by the deadline date will be reviewed and scored by experts in the field, generally persons from outside of the Federal Government. Reviewers will use the evaluation criteria listed elsewhere in this announcement to review and to score the applications. The results of this review are a primary factor in making funding decisions.

ADD reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding

sources when this is determined to be in the best interest of the Federal Government or the applicant.

Grantees funded by ADD may be requested to cooperate in evaluation efforts funded by ADD. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular program description.

ADD expects all applications to focus on or feature: services to culturally diverse or ethnic populations among others; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations administering or delivering of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

This year, an additional five (5) points will be awarded in scoring for any project that demonstrates in their application a partnership and collaboration with any of the 140 Empowerment Zones/Enterprise Communities. To receive the 5 points, the application must specify how the involvement of the EZ/EC is related to the objectives and/or the activities of the project. The application must also include a letter from an authorized representative of the EZ/EC indicating its agreement to participate and describing its role in the project. Applications submitted for implementation funds must include a letter from the EZ/EC pledging its continued support.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ADD may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Process

Using the evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal Government) will review and score the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the program description under each section of the Project Narrative Statement.

Reviewers will: determine the strengths and weaknesses of each application in terms of the evaluation criteria listed below, provide comments, and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each applicant may receive per section in the review process.

D. Structure of Program Description

The program description is composed of the following sections:

- *Eligible Applicants*: This section specifies the type of organization that is eligible to apply under the particular program description. Specific restrictions are also noted, where applicable.
- *Purpose*: This section presents the basic focus and/or broad goal(s) of the program description.
- *Background Information*: This section provides the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular program activity. Relevant information on projects previously funded by ACF and/or other State models are noted, where applicable.
- *Evaluation Criteria*: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to need for assistance, results expected, project design, and organizational and staff capabilities. Inclusion and discussion of these items is important since the information provided will be used by the reviewers in evaluating the application against the evaluation criteria.
- *Minimum Requirements for Project Design*: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers to evaluate the applications against the evaluation criteria. Project products, continuation of the project after Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.
- *Project Duration*: This section specifies the maximum allowable length of the project period; it refers to the amount of time for which Federal funding is available.
- *Federal Share of Project Costs*: This section specifies the maximum amount of Federal support for the project.
- *Matching Requirement*: This section specifies the minimum non-Federal contribution, either cash or in-kind match, required.
- *Anticipated Number of Projects to Be Funded*: This section specifies the number of projects ADD anticipates funding under the program description.
- *CFDA*: This section identifies the Catalog of Federal Domestic Assistance (CFDA) number and title of the program under which applications in this program description will be funded. This information is needed to complete item 10 on the SF 424.

Applications that are more clearly focused on, and directly responsive to, the concerns of the program description usually score better than those that are less specific and generally defined. Applicants are encouraged to tailor their responses according to the specific requirements of the program description.

E. Available Funds

Subject to the availability of funding, ADD intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 2002. The size of the awards will vary. The program description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

F. Grantee Share of Project Costs

Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must include a match of at least $33,333 (total project cost is $133,333, of which $33,333 is 25%).

An exception to the grantee cost-sharing requirement relates to applications originating from American Samoa, Guam, the Virgin Islands, and

the Commonwealth of the Northern Mariana Islands. Applications from these areas are covered under Section 501(d) of P. L. 95–134, as amended, which requires that the Department waive any requirement for local matching funds for grants under $200,000.

The applicant contribution must generally be secured from non-Federal sources. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. However, funds from some Federal programs benefiting Tribes and Native American organizations have been used to provide valid sources of matching funds. If this is the case for a Tribe or Native American organization submitting an application to ADD, that organization should identify the programs which will be providing the funds for the match in its application. If the application successfully competes for PNS grant funds, ADD will determine whether there is statutory authority for this use of the funds. The Administration for Native Americans and the DHHS Office of General Counsel will assist ADD in making this determination.

G. General Instructions for the Uniform Project Description

The following ACF Uniform Project Description (UPD) has been approved under OMB Control Number 0970–0139.

Applicants required to submit a full project description should prepare the project description statement in accordance with the following instructions.

Project summary/abstract: Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and need for assistance: Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or benefits expected: Identify the results and benefits to be derived. Extent to which the applicant is consistent with the objectives of the application, and the extent to which the application indicates the anticipated contributions to policy practice, theory and/or research. Extent to which the proposed project cost is reasonable in view of the expected results.

Approach: Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Organizational Profile: Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

H. Closed Captioning for Audiovisual Efforts

Applicants must include closed captioning and audio description in the development of any audiovisual products.

Part IV. Fiscal Year 2002 Families of ChildrenWith Disabilities Support Projects—Description and Requirements

Eligible Applicants: Eligibility applicants include a State entity, unit or office designated by the chief executive officer of the state as the lead agency for this project. Proof of designation as lead agency by the governor/CEO must be submitted with the application. Applicants awarded new and implementation grants last year (FY 2001) under this announcement are not eligible. Applicants awarded grants in Fiscal Year 2000 are eligible to apply for implementation funds. Applicants who have never received grants under this announcement are eligible to apply for funds.

Purpose: Project funds must be utilized to support systems change activities to assist each State with developing, implementing, expanding or enhancing, a statewide system of family support for families of children with disabilities designed to be family-centered, family-directed, culturally competent, community-centered, and comprehensive. This system will:

(1) Ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

(2) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

(3) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

(4) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to

increase participation, choice, and control in the provision of family support for families of children with disabilities;

(5) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in these projects; and

(6) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures that facilitate or impede the availability or provision of family support for families of children with disabilities.

Background Information: Promoting family support for families with a child with a disability is a new stage in the federal goal development of disability policy. Historically, families with a child with a severe disability would only receive support once the child was placed in a state institution. In recent decades, disability policies have progressed to promote a more family-centered approach to service provision; indeed, many states have initiated family support legislation. This accomplishment is often the result of initiatives developed by the state developmental disabilities councils. Currently, all the states plus the District of Columbia offer some type of family support program. This support consists of any community-based service administered or financed by the state MR/DD agency providing for vouchers, direct cash payments to families, reimbursement, or direct payments to service providers which the state agency itself identified as family support. A broad range of services that fall within family support including—cash subsidy payments, respite care, family counseling, architectural adaptation of the home, in-home counseling, sibling support programs, education and behavior management services and the purchase of specialized equipment. Family support is a growing expenditure in state budgets. Family support expenditures advanced from $569 million for 279,266 families in 1996 to $1.0 billion for 385,414 families in 2000. Family support spending constituted 3.6 percent of total MR/DD state resources in 2000, up from 2.3% in 1996. All 50 states reported a family support initiative in either cash subsidy, or other family support activity. (Braddock, D., Hemp, R., Rizzolo, M.C., Parish, S. & Pomeranz, A. (2002). The State of the States in Developmental Disabilities: 2002 Study Summary. Boulder, CO: Coleman Institute for Cognitive Disabilities & Department of Psychiatry, University of Colorado).

The Federal government's involvement in family support began in 1982 with what is known as the ''Katie Beckett Waiver''. This provision amended the Medicaid law to give states the option to waive the deeming of parental income and resources for any child eighteen years of age and under who is eligible for placement in a Medicaid certified long term care institution or hospital, ICF/MR or nursing home. This waiver allows parents access to an array of family, home and community supports. Many states use this option, which requires states to determine that (1) the child requires the level of care provided in an institution; (2) it is appropriate to provide care outside the facility; and (3) the cost of care at home is no more than the cost of institutional care. In states that use this option, parents may choose either institutional or community care for their Medicaid eligible children.

Federal disability policy in the 1980s increasingly began to reflect the principles of family-centered, community-based, coordinated care as Federal programs were established or reauthorized. Among these were:

(1) The Temporary Respite Care and Crisis Nurseries Act of 1986 that funded a variety of in-home and out-of-home respite programs;

(2) a new Part H for infants, toddlers, and their families was added in 1986 to the then Education of the Handicapped Act;

(3) the reauthorization of the Maternal and Child Health Care Block grant in 1989 emphasized these principles in it's Children with Special Health Care Needs program; and

(4) a definition of family support services was added in 1990 to the Developmental Disabilities Assistance and Bill of Rights Act.

Minimum Requirements for Project Design: ADD expects grant funds to maximize opportunities for systems change to ensure the provision of family support to families of children with disabilities through the collaboration and strengthening of community action service organizations. Project activities should accomplish any of the following:

- Establishment of a state policy council of families with children with disabilities or utilize an existing council which will advise and assist the lead entity in the performance of activities of this application. The State Policy Council shall be composed of a majority of participants who are family members of children with disabilities and/or who are youth with disabilities (ages 18–21);
- Training and technical assistance for family members, service providers, community members, professionals, members of the Policy Council, state agency staff, students and others;
- Interagency coordination of Federal and State policies, resources, and services; interagency workgroups to enhance public funding options and coordination; and other interagency activities that promote coordination;
- Outreach to locate families who are eligible for family support and to identify groups who are underserved or unserved;
- Policy studies that relate to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities;
- Hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families;
- Public awareness and education to families of children with disabilities, parent groups and organizations, public and private agencies, students, policymakers, and the general public;
- Needs assessment;
- Data collection and analysis related to the statewide system of family support for families of children with disabilities;
- Implementation plans to utilize generic community service organizations in innovative partnerships to include families of children with disabilities;
- Pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities;
- Evaluation system using measurable outcomes based on family satisfaction indicators. Indicators include the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

ADD expects to fund applications that include or incorporate into these activities one or more of the following populations relevant to their state: (1) Unserved and underserved populations which includes populations such as individuals from racial and ethnic minority backgrounds, economically disadvantaged individuals, individuals with limited-English proficiency, and individuals from underserved geographic areas (rural or urban); (2) aging families of adult children with disabilities who are over age 21 with a focus on assisting those families and their adult child to be included as self-determining members of their communities; (3) foster/adoptive families of children with disabilities; (4) families participating in the state's Temporary Assistance to Needy

Families Program (TANF) , welfare-to-work, and/or SSI program; (5) veterans with families having a child with a disability; (6) parents with disabilities, especially with cognitive disabilities, having children with or without disabilities; and 7) families of children with behavioral/emotional issues.

ADD intends to fund those applications that describe how the project intends to:

- Ensure consumer/self-advocate orientation and participation.
- Include key project personnel with direct life experience with living with a disability.
- Have strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the grant.
- If applicable, research should reflect the principles of participatory action.
- Consider cultural competency (''cultural competency'' as defined in the DD Act as—services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behavior of individuals who are receiving the services, supports or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.
- Will allow individuals with disabilities and their families to be involved in all aspects of the design, implementation, and evaluation of the project.
- Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from multicultural backgrounds, rural and inner-city areas, migrant, homeless, and refugee families, with severe disabilities.
- Comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as amended by the Rehabilitation Act amendments of 1998 (Pub. L. 105–220).
- Use collaboration through partnerships and coalitions.
- Develop the capacity to communicate and disseminate information and technical assistance through e-mail and other effective, affordable, and accessible forms of electronic communication.
- Develop and establish system change activities beyond project period.

Disseminate models, products, best practices, and strategies for distribution between networks and beyond.

Applications must also include provisions for the travel of a key staff person during the project period to Washington, DC.

(1) *Evaluation Criteria:* Four (4) criteria will be used to review and evaluate each application under this announcement. Each of these criterion should be addressed in the project description section of the application. The point values indicate the maximum numerical weight possible for a criterion in the review process. The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description. Additional information that must be included is described below.

Criterion 1: Objectives and Need for Assistance (Maximum 25 points)

The application must describe the context of the proposed demonstration project, including the geographic location, environment, magnitude and severity of the problem(s) to be solved and the needs to be addressed. Those eligible applicants applying for implementation funds, in addition to providing the following information, please submit a summary/abstract of the project goals and accomplishments during the first year of your grant.

Applicant must:

(1) Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution; (7 points)

(2) Demonstrate the need for the assistance and state the principal and subordinate objectives for the project; (8 points)

(3) Provide supporting documentation or other testimonies from concerned interests other than the applicant; (5 points)

(4) Provide any relevant data based on planning studies; and (4 points) provide maps and other graphic aids. (1 point)

Criterion 2: Results or Benefits Expected (Maximum 20 points)

Identify results and benefits to be derived. The anticipated contribution to policy, practice, theory and/or research should be indicated.

Applicant must:

(1) Clearly describe project benefits and/or results as they relate to the objectives of the project; (10 points); and

(2) Provide information as to the extent to which the project will build on current theory, research, evaluation and best practices to contribute to increased knowledge of understanding the problems, issues or effective strategies and practices in family support. (10 points)

Criterion 3: Approach (Maximum 35 points)

Discuss the criteria to be used to evaluate the results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. Applicants are expected to present a plan that (1) reflects an understanding of the characteristics, needs and services currently available to the targeted population; (2) provides services that directly address the needs of the target population; (3) is evidence based and grounded in theory and practice; (4) is appropriate and feasible; (5) can be reliably evaluated; and (6) if successfully implemented, can be sustained after Federal funding has ceased.

Applicant must:

(1) Outline a plan of action pertaining to the scope and detail how the proposed work will be accomplished for each project. Define goals and specific measurable objectives for the project; (8 points)

(2) Cite factors which might accelerate or decelerate the work and provide reasons for taking this approach as opposed to others; (3 points)

(3) Describe any unusual features of the project, such as design or technological innovation, reductions in cost or time, or extraordinary social and community involvement; (5 points)

(4) Provide for each assistance program quantitative projects of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, the activities should be listed in chronological order to show the schedule of accomplishments and their target dates; (4 points)

(5) Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Describe how the proposed project will be evaluated to determine the extent to which it has achieved its stated goals and objectives; and whether the methods of evaluation include the use of performance measures that are clearly related to the intended outcomes of the project; (8 points)

(6) Describe the products to be developed during the implementation of the proposed project. This can include questionnaires, interview guides, data collection instruments, software, internet applications, reports, article outcomes and evaluation results. Also present a dissemination plan for conveying the information; (4 points)

(7) List each organization, operator, consultant, or other key individuals

who will work on the project along with a short description of the nature of their effort of contribution. (3 points)

Criterion 4: Organizational Profile (20 points)

This section should consist of a brief (two to three pages) background description of how the applicant organization (or the unit with the organization that will have responsibility for the project) is structured, the types and quantity of services, and/or the research and management capabilities it possesses. Applicants need to demonstrate that they have the capacity to implement the proposed project. Capacity includes (1) experience with similar projects; (2) experience with the target population; (3) qualifications and experience of the project leadership; (4) commitment to developing sustaining work among key stakeholders; (5) experience and commitment of any proposed consultants and subcontractors; and (6) appropriateness of the organizational structure, including its management information system, to carry out the project.

Applicant must:

(1) Identify the background of the project director/principal investigator and key project staff (including name, address, and training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project; present brief resumes; (5 points)

(2) Provide a brief background description of how the applicant organization is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses; (5 points)

(3) Provide an organization chart showing the relationship of the project to the current organization; (5 points) and

(4) Describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. (5 points)

Project Duration: This announcement is soliciting applications for a project period up to seventeen (17) months under this area. Awards, on a competitive basis, can be up to a seventeen-month (17) budget period.

Federal Share of Project Costs: The maximum Federal shares for first time applicants shall not exceed $200,000 for a state or $100,000 for a territory for the budget period. The maximum Federal share for applicants requesting implementation funds shall not exceed $100,000 for a state and not to exceed $50,000 for a territory.

Matching Requirement: Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $200,000 in Federal funds (based on an award of $200,000 per budget period) must include a match of at least $66,666 (the total project cost is $266,666, of which $66,666 is 25%).

Anticipated Number of Projects to be Funded: It is anticipated that up to twenty-seven (27) projects will be funded.

CFDA: ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Part V. Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this announcement. Application forms and other materials can be obtained by any of the following methods: Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898; *http://www.acf.dhhs.gov/programs/add*; or *add@acf.dhhs.gov*. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained in the program description in Part IV of this announcement.

A. Required Notification of the State Single Point of Contact (SPOC)

This program is covered under Executive Order 12372, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under this Order, States may design their own process for reviewing and commenting on proposed Federal assistance under covered programs.

Note: State/territory participation in the intergovernmental review process does not signify applicant eligibility for financial assistance under a program. A potential applicant must meet the eligibility requirements of the program for which it is applying prior to submitting an application to its single point of contact (SPOC), if applicable, or to ACF.

As of November 20, 1998, all States and territories, except Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these jurisdictions, or for projects administered by federally recognized Indian Tribes, need not take any action regarding E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the potential applications and to receive any necessary instructions.

Applicants must submit all required materials to the SPOC as soon as possible. This will enable the program office to obtain and to review SPOC comments as part of the award process. It is imperative that an applicant submit all required materials and indicate the date of the submittal (or date SPOC was contacted, if no submittal is required) on the SF 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application due date to comment on proposed new or competing continuation awards. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in delays in awarding grants.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those Official State process recommendations that may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, 370 L'Enfant Promenade, SW, Mail Stop 326F, Washington, DC 20447, Attn: 93.631 ADD—Projects of National Significance.

Contact information for each State's SPOC is found at the ADD Web site, (*http://www.acf.dhhs.gov/programs/add*), or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898.

B. Notification of State Developmental Disabilities Planning Councils

A copy of the application must also be submitted for review and comment to the State Developmental Disabilities Council in each State in which the applicant's project will be conducted. A list of the State Developmental Disabilities Councils can be found at ADD's Web site: *http:/// www.acf.dhhs.gov/programs/add* or by contacting ''Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898.

C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424A-Page 2 and Certifications/ Assurances are contained in the application package that can be accessed as mentioned earlier in this announcement. Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Please indicate if you are applying for first time funding or implementation funds.

Item 1. ''Type of Submission''—Preprinted on the form.

Item 2. ''Date Submitted'' and ''Applicant Identifier'' —Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. ''Date Received By State''—State use only (if applicable).

Item 4. ''Date Received by Federal Agency''—Leave blank.

Item 5. ''Applicant Information''.

''Legal Name''—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

''Organizational Unit''—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

''Address''—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

''Name and telephone number of the person to be contacted on matters involving this application (give area code)''—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. ''Employer Identification Number (EIN)''—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. ''Type of Applicant''—Self-explanatory.

Item 8. ''Type of Application''—Preprinted on the form.

Item 9. ''Name of Federal Agency''—Preprinted on the form.

Item 10. ''Catalog of Federal Domestic Assistance Number and Title''—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title. For ADD's priority area, the following should be entered, ''93.631—Developmental Disabilities: Projects of National Significance.''

Item 11. ''Descriptive Title of Applicant's Project''—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. ''Areas Affected by Project''—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. ''Proposed Project''—Enter the desired start date for the project and projected completion date.

Item 14. ''Congressional District of Applicant/Project''—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If Statewide, a multi-State effort, or nationwide, enter ''00.''

Items 15. Estimated Funding Levels

In completing 15a through 15f, the dollar amounts entered should reflect, for a 17-month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b–e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost sharing or ''matching funds.'' The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E and F, and the specific priority area description.

Item 15f. Enter the estimated amount of program income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this program income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. ''Is Application Subject to Review By State Executive Order 12372 Process? Yes.''—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 16b. ''Is Application Subject to Review By State Executive Order 12372 Process? No.''—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. ''Is the Applicant Delinquent on any Federal Debt?''—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. ''To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.'' —To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. ''Typed Name of Authorized Representative, Title, Telephone Number''—Enter the name, title and telephone number of the

authorized representative of the applicant organization.

Item 18d. ''Signature of Authorized Representative'' —Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. ''Date Signed''—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 15 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first-year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to fully explain and justify major items, as indicated below. The type of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants; this should be included on line 6h, ''Other.''

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, ''Other.''

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, ''equipment'' is tangible, non-expendable personal property having a useful life of more than one year and acquisition cost of $5,000 or more per unit.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, ''Other.''

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or the entire program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as ''miscellaneous'' and ''honoraria'' are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter ''none.'' Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect

costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled ''Totals.'' In-kind contributions are defined in title 45 of the Code of Federal Regulations, Parts 74.51 and 92.24, as ''property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.''

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column ''(b) First.'' If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under ''(c) Second.'' Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary/Abstract

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Provide a summary description that accurately and concisely reflects the proposal. The summary should describe the objectives of the project, the approaches to be used and the expected outcomes. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals must be closed captioned and audio described). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' This is a major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Project Description

The Project Description is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part IV. The narrative should also provide information concerning how the application meets the evaluation criteria, using the following headings:

(a) Objectives and Need for Assistance;

(b) Results and Benefits Expected;

(c) Approach; and

(d) Organization Profile.

The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description, and under Part IV, and Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½″ × 11″ plain white paper, with 1″ margins on all sides, using black print no smaller than 12 pitch or 12 point size. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for Assistance'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 75 pages. This will be strictly enforced. A page is a single side of an 8½ × 11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose copying difficulties. These materials, if submitted, will not be included in the review process if they exceed the 75-page limit. Each page of the application will be counted to determine the total length.

5. Part V—Assurances/Certifications

Applicants are required to file a SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. Applicants must also provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications can be obtained from the ADD Web site, *http://www.acf.dhhs.gov/programs/add,* or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW., Mailstop 300F, Washington, DC, 20447, 202/690–7447. These forms can be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. *A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications, and need not be mailed back with the application.*

In addition, applicants are required under section 162(c)(3) of the Act to provide assurances that the human rights of all individuals with

developmental disabilities (especially those individuals without familial protection) who will receive services under projects assisted under Part E will be protected consistent with section 110 (relating to the rights of individuals with developmental disabilities). Each application must include a statement providing this assurance.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496–7041.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

—One original, signed and dated application, plus two copies.Applications for different priority areas are packaged separately;
—Application is from an organization that is eligible under the eligibility requirements defined in the priority area description (screening requirement);
—Application length does not exceed 75 pages, unless otherwise specified in the priority area description.

A complete application consists of the following items in this order:

—Application for Federal Assistance (SF 424, REV 4–88);
—A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.
—Budget Information—Non-Construction Programs(SF 424A, REV 4–88);
—Budget justification for Section B—Budget Categories;
—Proof of designation as lead agency;
—Table of Contents;
—Letter from the Internal Revenue Service, etc. to prove non-profit status, if necessary;
—Copy of the applicant's approved indirect cost rate agreement, if appropriate;
—Project Description (See Part III, Section C);
—Any appendices/attachments;
—Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);
—Certification Regarding Lobbying;
—Certification of Protection of Human Subjects, if necessary; and
—Certification of the Pro-Children Act of 1994 (Environmental Tobacco Smoke), signature on the application represents certification.

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

G. Paperwork Reduction Act of 1995 (Pub. L. 104–13)

The Uniform Project Description information collection within this announcement is approved under the Uniform Project Description (0970–0139), Expiration Date 12/31/2003.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: March 19, 2002.

Patricia Morrissey,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 02–7213 Filed 3–25–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0102]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information associated with the submission of notifications of health claims or nutrient content claims based on authoritative statements of scientific bodies of the U.S. Government.

DATES: Submit written or electronic comments on the collection of information by May 28, 2002.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed extension of existing collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body (OMB Control No. 0910–0374)—Extension

Section 403(r)(2)(G) and (r)(3)(C) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(2)(G) and (r)(3)(C)), as amended by the Food and Drug Administration Modernization Act of 1997 (FDAMA), provides that a food producer may market a food product whose label bears a nutrient content claim or a health claim that is based on an authoritative statement of a scientific body of the U.S. Government or the National Academy of Sciences. Under these sections of the act, a food producer that intends to use such a claim must submit a notification of its intention to use the claim 120 days before it begins marketing the product bearing the claim. In the **Federal Register** of June 11, 1998 (63 FR 32102), FDA announced the availability of a guidance entitled ''Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body.'' The guidance provides the agency's interpretation of terms central to the submission of a notification and the agency's views on the information that should be included in the notification. The agency believes that the guidance will enable food producers to meet the criteria for notifications that are established in section 403(r)(2)(G) and (r)(3)(C) of the act. In addition to the information specifically required by the act to be in such notifications, the guidance states that the notifications should also contain information on analytical methodology for the nutrient that is the subject of a claim based on an authoritative statement. FDA intends to review the notifications it receives to ensure that they comply with the criteria established for them by the act.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Basis of Burden	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
Section 403(r)(2)(G) nutrient content claims	1	1	1	250	250
Section 403(r)(3)(C) health claims	2	1	2	450	900
Guidance for notifications	3	1	3	1	3
Totals	3	1	3		1,153

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on FDA's experience with health claims and nutrient content claims and with other similar notification procedures that fall under its jurisdiction. Because the claims are based on authoritative statements of certain scientific bodies of the Federal Government or the National Academy of Sciences or one of its subdivisions, FDA believes that the information submitted with a notification will either be provided as part of the authoritative statement or readily available as part of the scientific literature to firms wishing to make claims. Presentation of a supporting bibliography and a brief balanced account or analysis of this literature should be fairly straightforward.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7179 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–1215]

Agency Information Collection Activities; Announcement of OMB Approval; Foreign Establishment Registration and Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Foreign Establishment Registration and Listing'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 27, 2001 (66 FR 59138), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0483. The approval expires on March 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7145 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0077]

Agency Emergency Processing Under OMB Review; Emergency Medical Device Shortage Program Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for emergency processing under the Paperwork Reduction Act of 1995 (the PRA). The proposed collection of information concerns a telephone survey used to assist FDA in implementing an emergency medical device shortage program so that the agency can respond quickly to medical device shortages that might arise in the aftermath of a bioterrorist attack.

DATES: Submit written comments on the collection of information by April 25, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 10503, Attn: Stuart Shapiro, Desk Officer for FDA. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: FDA has requested emergency processing of this proposed collection of information under section 3507(j) of the PRA (44 U.S.C. 3507(j) and 5 CFR 1320.13). This information is needed immediately so that the agency can respond quickly to medical device shortages that might arise in the aftermath of a terrorist attack.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Emergency Medical Device Shortage Program Survey

Under section 903(d)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 393(d)(2)), the Commissioner of FDA is authorized to implement general powers (including conducting research) to carry out effectively the mission of FDA. Section 510 of the act (21 U.S.C. 360) requires that domestic establishments engaged in the manufacture, preparation, propagation, compounding, assembly, or processing of medical devices intended for human use and commercial distribution register their establishments and list the devices they manufacture with FDA. Section 522 of the act (21 U.S.C. 360(l)) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health, or gross deception of the consumer. These sections of the act enable FDA to enhance consumer protection from risks associated with medical devices usage that are not foreseen or apparent during the premarket notification and review process.

FDA is compiling a list of medical devices that would be needed to treat patients in the event of a biological or chemical weapon attack. FDA plans to collect manufacturing and inventory information concerning the devices on this list, starting with those devices that are considered critical to patient care. This information will allow FDA to identify quickly sources and locations of medical devices in the event that they are needed in an emergency. It will also help to identify logistical problems in the event that borders are closed or transportation has been disrupted. In addition, FDA plans to maintain a list of telephone contacts for the manufacturers so that communication channels with manufacturers will be in place in the event that they are needed.

This telephone survey's primary respondents will be medical device manufacturers and wholesalers.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	No. of Respondents	Annual Frequency per-Response	Total Annual Responses	Hours per Response	Total Hours
Telephone Survey	7,000	1	7,000	.1	700

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA has based these estimates on conversations with industry and trade association representatives, and from internal FDA estimates.

The total number of manufacturers is estimated to be 70,000. FDA estimates that approximately 10 percent of these manufacturers would be contacted in a 1-year period, due to limitations on FDA staff. It is estimated also that the survey will take approximately 6 minutes to complete over the telephone. Therefore, 7,000 respondents (10 percent of the FDA manufacturer base) times 1/10 of an hour (i.e., 6 minutes) would equal a total of 700 hours.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7146 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information

collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Hepatitis B and C Among Health Care for the Homeless Program Clients—New

The Health Care for the Homeless Clinicians' Network (HCHCN) of the National Health Care for the Homeless Council, Inc., through a cooperative agreement with the Bureau of Primary Health Care, Health Resources and Services Administration, proposes to conduct epidemiological research regarding hepatitis B and C. The study will be of adult homeless clients and will be conducted using laboratory tests and patient interviews. The study is designed to estimate the prevalence of lifetime hepatitis B and C infection among homeless adults and the rate of comorbidity of hepatitis B and C infection, identify high-risk groups, describe health service utilization specific to hepatitis B and C, and assess patient knowledge and attitudes regarding hepatitis B and C. The participants will be recruited from eight clinics of the national Health Care for the Homeless Program.

The estimated response burden is as follows:

Respondent	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Clients	400	1	1	400

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 20, 2002.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 02–7181 Filed 3–25–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center; Statement of Organization, Functions and Delegations of Authority

Part P (Program Support Center) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) (60 FR 51480, October 2, 1995, and as last amended at 66 FR 58740–41, dated November 23, 2001) is being amended to reflect the following changes in Chapter PG within Part P, Program Support Center, HHS.

The changes to the above chapter establish Division-level organizations for the *Federal Occupational Health Service.*

Program Support Center

Under *Part P, Section P–20, Functions,* after the title and statement for *Chapter PG, Federal Occupational Health Service (PG)* add the following:

Office of the Director (PGA)

Provides executive direction, policy, guidance and supervision, and coordinates long- and short-range planning for the Federal Occupational Health Service (FOHS). In addition the office provides management expertise to the FOHS divisions in the areas of: fiscal controls, management information, program support services, operations support, and is responsible for FOHS' strategic planning and performance measurement. Operations consist of: (1) Evaluation and consultation of Federal managers concerning the management and delivery of the full scope of agency occupational health programs; (2) nationwide assistance in planning, implementing and monitoring health programs for Federal agencies on a reimbursable basis including improved environmental, educational, promotional, clinical, information management, and managerial services; (3) health evaluations, science and engineering assessments training, and demonstration projects; (4) developing standards and criteria; (5) promoting workforce productivity and reducing absenteeism, lost time and related Federal liability; (6) development and operation of shared services for contracting, cost comparison, analysis and program formulation; (7) maintaining relationships with health officials in other Federal agencies and private organizations; and (8) participating in Federal occupational health related policy and program development and implementation.

Division of Clinical Services (PGB)

Designs and delivers comprehensive occupational health clinical services (including wellness/fitness) throughout the Nation to assist client agencies to improve and maintain the physical health of their workforce and meet or exceed regulatory compliance standards regarding occupational health. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions which are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which clinical services are provided that meet or exceed the highest standards established by professional bodies representing appropriate clinical disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that clinical services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/continuous quality improvement techniques to assure that the highest quality clinical services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address clinical needs, including specific programs requested by clients; (5) designs and delivers customized programs and services including facility and workplace designs for clients with special needs; (6) develops methods for evaluation of clinical services and conducts such evaluations on request; (7) maintains clinical services information and records; and (8) assures that all clinical consultation and services have been fully reimbursed by customers.

Division of Employee Assistance Program Services (PGC)

Designs and delivers comprehensive employee assistance program (EAP) services throughout the Nation to assist clients with the complete spectrum of personal problems and workplace issues. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions that are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which EAP services are provided that meet or exceed the highest standards established by professional bodies representing appropriate EAP disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that EAP services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/ continuous quality improvement techniques to assure that the highest quality EAP services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address EAP needs, including specific programs requested by clients; (5) designs and specialized EAP agency standards, programs, and facility and workplace designs for clients with special needs; (6) develops and implements methods for evaluation of EAP services; (7) maintains EAP services information and records; and (8) assures that all EAP services have been fully reimbursed by customers.

Division of Environmental Health Services (PGE)

Designs and delivers comprehensive occupational health (EH) services throughout the Nation to assist clients with the complete spectrum of EH concerns. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions which are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which EH services are provided that meet or exceed the highest standards established by professional bodies representing appropriate EH disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that EH services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/ continuous quality improvement techniques to assure that the highest quality EH services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address EH needs, including specific programs requested by clients; (5) designs and specialized EH agency standards, programs, and facility and workplace designs for clients with special needs; (6) develops methods for evaluation of EH services and conducts such evaluations on request; (7) maintains the EH services information and records; and (8) assures that all clinical consultation and services have been fully reimbursed by customers.

Dated: March 19, 2002.

Curtis L. Coy,

Director, Program Support Center.

[FR Doc. 02–7182 Filed 3–25–02; 8:45 am]

BILLING CODE 4168–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–09]

Notice of FHA Debenture Call

AGENCY: Office of the Assistant Secretary for Housing-FederalHousing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces a debenture recall of certain Federal Housing Administration (FHA) debentures, in accordance with authority provided in the National Housing Act.

FOR FURTHER INFORMATION CONTACT: Richard Keyser, Room 3119P, L'Enfant Plaza, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755–7510, X137. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with sections 204(c) and 207(j) of the National Housing Act, 12 U.S.C. 1710(c) and 1713(j), and in accordance with HUD's regulation at 24 CFR 203.409 and 207.259(e)(3), the Federal Housing Commissioner, with the approval of the Secretary of the Treasury, announces the call of all FHA debentures, with a coupon rate of 7.125 percent or above, except for those debentures subject to ''debenture lock agreements'', that have been registered on the books of the Bureau of Public Debt, Department of the Treasury, and are, therefore, ''outstanding'' as of March 29, 2002. The date of the call is July 1, 2002.

The debentures will be redeemed at par plus accrued interest. Interest will cease to accrue on the debentures as of the call date. Final interest on any called debentures will be paid with the principal at redemption.

During the period from the date of this Notice to the call date, debentures that are subject to the call may not be used by the mortgagee for a special redemption purchase in payment of a mortgage insurance premium.

No transfer of debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after May 15, 2002. This does not affect the right of the holder of a debenture to sell or assign the debenture on or after this date. Payment of final principal and interest due on July 1, 2002, will be made automatically to the registered holder.

Dated: March 20, 2002.

John C. Weicher,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 02–7246 Filed 3–25–02; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4572–D–20]

Delegation of Authority to Regional Directors

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Delegation of Authority to Regional Directors in the HUD Regional Offices.

SUMMARY: In this notice the Deputy Secretary, through the Assistant Deputy Secretary for Field Policy and Management, delegates operational management authority to the HUD Regional Directors. The delegation provides the authority necessary to manage programs and resources located in HUD regional and field offices nationwide. Currently the Regional Directors are located in Region I (Boston, MA); Region II (New York, NY); Region III (Philadelphia, PA); Region IV (Atlanta, GA); Region V (Chicago, IL); Region VI (Ft. Worth, TX); Region VII (Kansas City, KS); Region VIII (Denver, CO); Region IX (San Francisco, CA); and Region X (Seattle, WA). Pursuant to this authority, HUD Regional Directors are delegated specific authorities pertaining to cross program coordination, personnel management, administrative management, resource management, and representation regarding matters under their respective jurisdictions. Except as otherwise specified, Regional Directors

are authorized to redelegate operational management authority to Field Office Directors under their respective jurisdictions. In accordance with this delegation, performance elements will be standardized for all field managers and supervisors. In addition to overall management and supervision, the elements shall include communication, customer service, representation, equal employment opportunity, and a subject-matter specific critical element. Regional Directors are also authorized to provide input into the performance assessment of program managers in their jurisdictions. To the extent practicable, 40% weight will be given to the assessment provided by the Regional Director. This delegation further authorizes the Regional Directors to enter into co-sponsorship agreements with the concurrence of the General Counsel and the relevant program Assistant Secretary or equivalent. Under this delegation, the title of the ten Field Assistant General Counsel is changed to Regional Counsel.

EFFECTIVE DATE: March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Bob Etchison, Office of Field Policy and Management, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, (202) 708–1123. (This is not a toll-free number.) This number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.) Comments or questions can be submitted through the Internet to *Bob—Etchison@hud.gov.*

SUPPLEMENTARY INFORMATION: These Delegations of Authority are designed to improve efficiency, effectiveness, and accountability of management operations. They are intended to provide a managerial framework, promote customer service, and encourage coordination among and within the field offices.

Accordingly, the Deputy Secretary, through the Assistant Deputy Secretary for Field Policy and Management, delegates to each Regional Director authority within his or her respective jurisdiction as follows:

Section A: Authority Delegated

1. *Cross-Program Coordination.* Each Regional Director is delegated the following duties to aid cooperation among different programs, program directors, and offices:

- Developing and implementing Management Plans;
- Coordinating cross-program projects and Field Office Quality Management Reviews;
- Preparing briefing papers and hot issues documents;
- Leading disaster relief efforts; and
- Consulting with program directors on major program decisions. Regional Directors can trigger Headquarter's review of decisions made by program directors. Where the Regional Director and relevant program director disagree regarding a major program decision, the Assistant Deputy Secretary for Field Policy and Management may raise the matter with the relevant Assistant Secretary or equivalent. The relevant Assistant Secretary or equivalent makes the final determination, subject to review by the Deputy Secretary, if necessary.

2. *Personnel Management.* Each Regional Director is delegated the following personnel management responsibilities for field offices within his or her jurisdiction:

- Providing input on the performance ratings of managers and supervisors within the region. To the extent practicable, 40% weight will be given to the assessment provided by the Regional Director. The performance for the Directors of the Homeownership Centers; Troubled Agency Recovery Centers; Administrative Service Centers; Satellite Field Directors of the Departmental Enforcement Centers; and the Regional Counsel will be evaluated within their respective organizations, with consultation provided by the Assistant Deputy Secretary for Field Policy and Management;
- Approving short-term details across program area lines (up to sixty days);
- Approving leave requests for managers and supervisors;
- Regional Directors are authorized to serve as part of the recommending and hiring process for managers and supervisors within their respective jurisdictions. The Assistant Secretary, or equivalent, makes the final selection regarding their managers and supervisors;
- Acting as supervisor, or when necessary assigning a supervisor, to out-stationed staff; and
- Managing and conducting labor/management relations.

3. *Administrative Management.* Each Regional Director is delegated the following administrative duties for field offices under his or her jurisdiction:

- Determining official office hours, opening, closing, and emergency procedures.

4. *Resource Management.* Each Regional Director is delegated the following resource allocation responsibilities under his or her jurisdiction:

- Managing the administrative budget, e.g., training, equipment, etc.;
- Approving program travel requests; and
- Redistributing up to 20% of travel funds among program areas.

5. *Representation.* Each Regional Director is delegated the following duties as the Region's primary contact person and HUD representative regarding:

- Developing and maintaining the lead point of contact with local officials;
- Maintaining the role as principal point of contact with industry groups;
- Managing all inquiries and correspondence, including Freedom of Information Act requests, Congressional and Intergovernmental communications;
- Responding to all media inquiries in conjunction with Headquarters and the Office of Public Affairs;
- Administering the local office's web page and internet sources;
- Monitoring and evaluating customer service; and
- Entering into co-sponsorship agreements, with the concurrence of the General Counsel and the relevant program Assistant Secretary or equivalent.

Section B: Authority Revoked

The redelegations of authority from the Assistant Secretaries to the Secretary's Representatives pertaining to the waiver of program directives and handbook provisions are revoked. These redelegations were published in the **Federal Register** at 61 FR 35800 (July 8, 1996) PIH; 61 FR 35801 (July 8, 1996) Housing; 61 FR 35802 (July 8, 1996) CPD; and 61 FR 35803 (July 8, 1996) FHEO. Today's delegation also revokes the further redelegations from the Secretary Representative to the Southeast/Caribbean State and Area Coordinators published in the **Federal Register** at 61 FR 59236 (November 21, 1996) Housing; 61 FR 59236 (November 21, 1996) PIH; 61 FR 59237 (November 21, 1996) FHEO; and FR 59237 (November 21, 1996) CPD. All previous delegated or redelegated authority inconsistent with this Delegation of Authority is hereby revoked.

Section C: Authority To Redelegate

This authority may be redelegated, as appropriate, from Regional Directors to Field Office Directors within their respective jurisdictions. The authority to enter into co-sponsorship agreements may not be redelegated below the level of Regional Director.

Authority: Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); 66 FR 18790, Delegation of Concurrent Authority to the Deputy Secretary (April 11, 2001).

Dated: March 18, 2002.

Alphonso Jackson,

Deputy Secretary.

[FR Doc. 02–7245 Filed 3–25–02; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Bird Hunting; Draft Environmental Impact Statement on Resident Canada Goose Management

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared a Draft Environmental Impact Statement (DEIS) on resident Canada goose management which is available for public review. The DEIS analyzes the potential environmental impacts of several management alternatives for addressing problems associated with overabundant resident Canada goose populations. The Service is issuing this notice to invite further public participation in the review process, identify the location, date, and time of public hearings, and identify the Service official to whom questions and comments may be directed.

DATES: Written comments regarding the DEIS should be submitted by May 30, 2002, to the address below. Dates for eleven public scoping meetings are identified in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Requests for copies of the DEIS should be mailed to Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street NW., Washington, DC 20240. Comments on the DEIS should be sent to the above address. Copies of the DEIS can be downloaded from the Division of Migratory Bird Management web site at *http://migratorybirds.fws.gov* Comments on the DEIS should be sent to the above address. Alternatively, comments may be submitted electronically to the following address: *canada_goose_eis@fws.gov.* Locations for eleven public hearings are identified in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Division of Migratory Bird Management, (703) 358–1714; or Ronald Kokel (703) 358–1714.

SUPPLEMENTARY INFORMATION: On August 19, 1999, a notice was published in the **Federal Register** (64 FR 45269) announcing that the Service intended to prepare an Environmental Impact Statement for resident Canada goose management. On March 1, 2002, the Environmental Protection Agency notified the public of the availability of the DEIS in the **Federal Register** (67 FR 9448). In the March 1, 2002 notice, we indicated that the comment period would end on May 30, 2002. This notice is provided pursuant to Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Public Scoping Meetings

Eleven public hearings will be held on the following dates at the indicated locations and times:

1. April 1, 2002; Dallas, Texas, at the Hyatt Regency Downtown, 300 Reunion Boulevard, 7 p.m.
2. April 23, 2002; Palatine, Illinois, at the Holiday Inn Express, 1550 E. Dundee Road, 7 p.m.
3. April 24, 2002; Waupun, Wisconsin, at the Waupun High School, 801 E. Lincoln, 7 p.m.
4. May 7 2002; Franklin, Tennessee, at Franklin Cool Springs Marriott, 700 Cool Springs Blvd., 7 p.m.
5. May 14, 2002; Bloomington, Minnesota, at the Minnesota Valley National Wildlife Refuge Visitors Center, 3815 East 80th Street, 7 p.m.
6. May 15, 2002; Brookings, South Dakota, at Brookings Area Multiplex, 824 32nd Avenue, 7 p.m.
7. May 20, 2002; Richmond, Virginia, at the Comfort Inn Conference Center, 3200 W. Broad Street, 7 p.m.
8. May 21, 2002; Danbury, Connecticut, at the Holiday Inn, 80 Newtown Road, 7 p.m.
9. May 22, 2002; North Brunswick, New Jersey, at the Ramada Inn, 999 U.S. Route 1 South, 7 p.m.
10. May 29, 2002; Denver, Colorado, at the Colorado Department of Wildlife, Northeast Region Service Center, Hunter Education Building, 6060 Broadway, 7 p.m.
11. May 30, 2002; Bellevue, Washington, at the DoubleTree Hotel, 300—112th Avenue S.E., 7 p.m.

In order to be considered, comments must include your name and postal mailing address; we will not consider anonymous comments. All comments received, including names and addresses, will become part of the public record. The public may inspect comments during normal business hours in Room 634—Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's National Environmental Policy Act regulations (40 CFR 1506.6(f)). Our practice is to make comments available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

The DEIS evaluates alternative strategies to reduce, manage, and control resident Canada goose populations in the continental United States and to reduce goose-related damages. The objective of the DEIS is to provide a regulatory mechanism that would allow State and local agencies, other Federal agencies, and groups and individuals to respond to damage complaints or damages by resident Canada geese. The DEIS is a comprehensive programmatic plan intended to guide and direct resident Canada goose population growth and management activities in the conterminous United States. The DEIS analyzes seven management alternatives: (1) No Action (Alternative A); (2) Increase Use of Nonlethal Control and Management (excludes all permitted activities) (Alternative B); (3) Increase Use of Nonlethal Control and Management (continued permitting of those activities generally considered nonlethal) (Alternative C); (4) New Regulatory Options to Expand Hunting Methods and Opportunities (Alternative D); (5) Integrated Depredation Order Management (consisting of an Airport Depredation Order, a Nest and Egg Depredation Order, a Agricultural Depredation Order, and a Public Health Depredation Order) (Alternative E); (6) State Empowerment (PROPOSED ACTION) (Alternative F); and (7) General Depredation Order (Alternative G). Alternatives were analyzed with regard to their potential impacts on resident Canada geese, other wildlife species, natural resources, special status species, socioeconomics, historical resources, and cultural resources.

Our proposed action (Alternative F) would establish a regulation authorizing State wildlife agencies (or their authorized agents) to conduct (or allow) management activities, including the take of birds, on resident Canada goose populations. Alternative F would authorize indirect and/or direct population control strategies such as aggressive harassment, nest and egg destruction, gosling and adult trapping

and culling programs, expanded methods of take to increase hunter harvest, or other general population reduction strategies. The intent of Alternative F is to allow State wildlife management agencies sufficient flexibility, within predefined guidelines, to deal with problems caused by resident Canada geese within their respective States. Other guidelines under Alternative F would include criteria for such activities as special expanded harvest opportunities during a portion of the Migratory Bird Treaty closed period (August 1–31), airport, agricultural, and public health control, and the non-permitted take of nests and eggs.

Dated: March 7, 2002.

Steve Williams,

Director.

[FR Doc. 02–7215 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Roanoke River National Wildlife Refuge

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the Fish and Wildlife Service intends to prepare an environmental impact statement to analyze the alternatives in the Draft Comprehensive Conservation Plan under development for the Roanoke River National Wildlife Refuge in North Carolina, pursuant to the National Environmental Policy Act and implementing regulations. Initial public scoping and review meetings were held in May 2001. A Wilderness Review of Roanoke River National Wildlife Refuge was conducted in accordance with the Wilderness Act of 1964, as amended, and Refuge Planning Policy 602 FW, Chapters 1, 2, and 3.

ADDRESSES: Comments and requests for information concerning this refuge may be addressed to: Bob Glennon, 1106 West Queen Street, PO Box 329, Edenton, North Carolina 27932; telephone 252/482–2364; fax 252/482–3855; cell 252/337–5284. Information concerning this refuge may be found at the following Web site: *http://rtncf-rci.ral.r4.fws.gov.*

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to the above address. You may also comment via the Internet to the following addresses: *bob__glennon@fws.gov* or *FW4__FR__Planning@fws.gov.* Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact Bob Glennon directly at the above address. Finally, you may hand-deliver comments to Mr. Glennon at 1106 West Queen Street, Edenton, North Carolina. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law.

SUPPLEMENTARY INFORMATION: It is the policy of the Fish and Wildlife Service to have all lands within the National Wildlife Refuge System managed in accordance with an approved comprehensive conservation plan. The plan guides management decisions and identifies the goals, objectives, and strategies for achieving refuge purposes. Public input into this planning process is encouraged. The plan will provide other agencies and the public with a clear understanding of the desired conditions of the refuge and how the Service implements management decisions and sets forth goals, objectives, and strategies needed to accomplish refuge purposes and identify the Service's best estimate of future needs. These plans detail program planning levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning and program prioritization purposes. The plans do not constitute a commitment for staffing increases, operational and maintenance increases, or funding for future land acquisition. Roanoke River National Wildlife Refuge was established in August 1989, to protect and enhance wooded wetlands consisting of bottomland hardwoods and swamps with high waterfowl value along the Roanoke River.

Authority: The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd *et seq.*), to (1) advise other agencies and the public of our intentions, and (2) to obtain suggestions and information on the alternatives to include in the environmental impact statement.

Dated: February 15, 2002.

Sam D. Hamilton,

Regional Director.

[FR Doc. 02–7186 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Spokane Tribe of Indians Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Spokane Tribal Liquor Code. The Code regulates the control, possession, and sale of liquor on the Spokane Tribe of Indians trust lands, in conformity with the laws of the State of Washington, where applicable and necessary. Although the Code was adopted on January 3, 2001, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

DATES: This Code is effective on March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street NW., MS 4631–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of the adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Spokane Tribal Liquor Code, Resolution No. 2001–098, was duly adopted by the Spokane Tribal Business Council on January 3, 2001. The Spokane Tribe of Indians, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effect among individuals and family members within the Spokane Tribe.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 9.

I certify that by Resolution No. 2001–098, the Spokane Tribal Liquor Code, was duly adopted by the Spokane Tribal Business Council on January 3, 2001.

Dated: March 11, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

The Spokane Tribal Liquor Code, Resolution No. 2001–098, reads as follows:

CHAPTER 24—LIQUOR CODE

Section 24–1. Purpose

The Spokane Tribe possesses the sovereignty to decide whether to allow liquor transactions on its Reservation. If the Spokane Tribe allows liquor transactions, it also possesses the sovereignty to regulate those transactions. By the enactment of this Code, the Spokane Tribe is permitting liquor transactions that are in conformity with this Code and 18 U.S.C. 1161. The Spokane Tribe also intends this Code to regulate and control the sale, distribution and possession of liquor. This code is adopted pursuant to Article VIII of the Constitution of the Spokane Tribe of Indians.

Section 24–2. Title and Jurisdiction

24–2.01. Title. This Chapter shall be known as the Spokane Tribal Liquor Code.

24–2.02. Jurisdiction. The Spokane Tribe of Indians enacts this Code to apply to all lands under its jurisdiction, namely all lands and water areas within the exterior boundaries of the Spokane Reservation, any extensions of the Reservation, and all Spokane Tribal and allotted Indian lands outside the exterior boundaries of the Spokane Indian Reservation, as well as those lands that fulfill the definition of Indian Country as defined in 18 U.S.C. 1151 and 1154.

Section 24–3. Definitions.

24–3.01. Definitions. For the purposes of this Chapter, unless otherwise required by the context, the following words and phrases shall have the designated meanings:

(1) *Alcohol.* That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. This term does not include alcohol which is intended to be or has been denatured and used as a fuel for use in motor vehicles, farm implements and machines or implements of husbandry.

(2) *Beer.* Any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than 4% of alcohol by weight, and not less than one-half of 1% of alcohol volume. For purposes of this Chapter any such beverage, including ale, stout and porter containing more than 4% of alcohol by weight shall be regulated the same as beer.

(3) *Business Council.* The Spokane Tribal Business Council.

(4) *Commercial Sale.* The transfer, exchange or barter, in any manner or by any means whatsoever for a consideration, by any person, association, partnership, or corporation of liquor and beer products.

(5) *Licensed Operator.* That person licensed by the Spokane Liquor Commission to operate a liquor outlet.

(6) *Liquor.* Includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine and beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, or other substance, which contains more than 1% of alcohol by weight shall be conclusively deemed to be intoxicating.

(7) *Liquor Outlet.* A tribally licensed retail sales business selling liquor products by the package or the drink on the lands under the jurisdiction of the Tribe and this Code.

(8) *Package.* Any container or receptacle used for holding liquor.

(9) *Public Place.* Includes streets and alleys of towns; highways or roads; buildings and grounds used for school purposes; public halls and grounds adjacent thereto; those parts of establishments where beer or liquor may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls of tribal buildings, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; publicly owned parks and/or playgrounds; tribal fairgrounds, and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(10) *Regulations.* Those rules and policy regulations made by the Spokane Liquor Commission.

(11) *Spirits.* Any beverage which contains alcohol obtained by distillation, including wines exceeding 24% of alcohol by volume.

(12) *Spokane Liquor Commission.* The Board that shall administer this Chapter and is empowered as set out in Section 24–4 of this Chapter.

(13) *Tribe.* The Spokane Tribe of Indians.

(14) *Wine.* Any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et. cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume.

Section 24–4. Membership and Powers of the Spokane Liquor Commission

24–4.01. Membership. The Spokane tribal Business Council shall be the Spokane Liquor Commission. The Council may, if it so wishes, appoint others as a Commission to serve in its stead. That Commission shall be composed of no less than five and no more than seven members.

24–4.02. General Powers. The Commission is empowered to:

(1) Administer this Code by exercising general control, management, and supervision of all liquor sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Code;

(2) Adopt and enforce rules and regulations in furtherance of the purposes of this Code and in the performance of its administrative functions;

(3) License each liquor outlet within the jurisdiction of the Spokane Tribe of Indians;

(4) Examine the records of each liquor outlet at a time and place convenient to both the licensed operator and the Commission;

(5) Revoke any license issued to a liquor outlet at its informed discretion;

(6) Inspect the physical premises of each liquor outlet;

(7) Designate any area, upon application of the owner, where public consumption of liquor may occur;

Section 24–5. Licensing of Liquor Outlet

24–5.01. License Required. Each liquor outlet is required to possess a license granted by the Commission.

Section 24–6. Application for Liquor Outlet License

24–6.01. Application. Applications for a liquor outlet license may be obtained

at the Tribal Office. Completed applications shall be submitted to the Liquor Commission. Members of the Spokane Tribe of Indians shall have preference over other applicants for licenses.

24–6.02. Application Fee. Each application shall be accompanied by an application charge or fee of $100.00, which shall be non-refundable, even if the applicant is not granted a license. The application fee for special use liquor license to be issued under 24–6.04 shall be $15.00.

24–6.03. Grant of License. The Commission shall review the application and may, if it deems necessary, request additional information and documentation from the applicant. If the Commission is satisfied that the applicant is a suitable and reputable person, the Commission may issue a license for the sale of liquor products. The Commission shall state on the license whether the license is for the sale of liquor by the drink, by the package, or both. A license shall only entitle the operator to one outlet. A license may be granted for the sale of only beer or wine by the drink.

24–6.04. License Renewal. A license shall be issued for the period of two years. This license shall be non-transferrable. The license shall be renewable every two years at the discretion of the Commission, with the operator filing a new application and paying the filing fee. The Commission may also issue a special use liquor permit to persons paying the necessary application fee under 24–6.02 for a maximum period of three (3) days as long as the liquor to be sold or distributed is in conjunction with regularly scheduled community or social events.

24–6.05. Limitation on Licenses. The Commission shall carefully limit the number of licenses and limit the location of the licenses to protect the health, safety and welfare of the people. The number and location of the licenses is within the sole discretion of the Commission.

24–6.06. Designation of Public Use Area. An applicant may apply for a designation as a public use area. The applicant shall be responsible for obtaining a liquor license and shall so indicate in its application that the application is for the purpose of consumption of liquor on the premises. All provisions of this Chapter shall apply to any area so designated unless specifically excluded.

Section 24–7. Restrictions on Liquor Outlets

24–7.01. Sales to Minors. No licensed operator shall give, sell or otherwise supply liquor to any person under 21 years of age, either for his or her own use or for the use of his or her parents or for the use of any other person.

24–7.02. Consumption of Liquor Upon Licensed Premises Prohibited. No licensed operator shall permit any person to open or consume liquor on his or her premises or any premises adjacent thereto and in his or her control, unless the operator has a license to sell liquor by the drink or has otherwise been designated under this chapter as a location where public consumption of liquor may occur.

24–7.03. Conduct on Licensed Premises

(1) No Tribal operator shall be disorderly, boisterous or intoxicated on the licensed premises or on any public premises adjacent thereto which are under his or her control, nor shall he or she permit any disorderly, boisterous or intoxicated person to be thereon; nor shall he or she use or allow the use of profane or vulgar language thereon.

(2) No operator or employee shall consume liquor, beer or wine while working on the licensed premises.

(3) No operator shall permit suggestive, lewd or obscene conduct or acts on his or her premises.

24–7.04. Employment of Minors. No person under the age of 21 years shall be employed in any service in connection with the sale or handling of liquor, either on a paid or voluntary basis, except as otherwise provided herein. Employees 18 years or older may sell and handle beer or wine not to be consumed on the premises provided that there is direct supervision by an adult 21 years of age or older.

24–7.05. Display of License. Any Tribal operator issued a license shall frame under glass and display the license on the premises.

24–7.06. Operator's Premises Open to Commission Inspection. The premises of all Tribal operators, including vehicles used in connection with liquor sales, shall be open at all times to inspection by the Commission.

24–7.07. Hours of Operation. All liquor outlets, with the exception of grocery stores or convenience stores selling only beer or wine, shall close by 3:00 a.m. and not reopen before 6:00 a.m.

24–7.08. Records Confidential. All records of the Commission shall be confidential.

Section 24–8. Sovereign Immunity Preserved

24–8.01. No Waiver of Sovereign Immunity. Nothing in this Chapter is intended or shall be construed as a waiver of the sovereign immunity of the Spokane Tribe of Indians or its officials. No official, agent or employee of the tribe is authorized, nor shall he or she attempt, to waive the immunity of the Tribe or its officials.

Section 24–9. Tribal Liability and Credit

24–9.01. No Liability by Tribe. An operator is forbidden to represent or give the impression to any supplier or any other person with whom he or she does business that he or she is an official representative of the Tribe or Commission authorized to pledge Tribal credit or financial responsibility for any of the expenses of his or her business operation. The operator shall hold the Spokane Indian Tribe and the Spokane Liquor Commission harmless from all claims of liability of whatever nature.

Section 24–10. Insurance

24–10.01. Insurance. The operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism and other insurable risks. The Commission or the Tribal Business Committee may establish as a condition of any license higher limits and any additional coverage it deems advisable.

Section 24–11. Revocation of Operator's License

24–11.01. Grounds for Revocation. Failure of an operator to abide by the provisions of this Chapter and any additional regulations or requirements imposed by the Spokane Liquor Commission will constitute grounds for revocation of the operator's license.

24–11.02. Notice of Revocation. If by a majority vote of the members of the Spokane Liquor Commission, it is decided that grounds exist for the revocation of a license of any operator, notice shall be given to the operator of a hearing at which the grounds and evidence of such a revocation shall be presented by the Commission, and an opportunity shall be presented to the operator to answer any charges, produce evidence, and make argument on his or her behalf. Such hearing shall be held within ten days of such notice, but may be continued to a later date if both the Commission and the operator consent.

24–11.03. Request for a Rehearing. If after notice and hearing, the Commission revokes an operator's license, the operator may within ten days after such revocation, petition the Commission for a rehearing. The

petition shall state the basis for a rehearing, including all newly discovered evidence or information not before the Commission at the first hearing. The Commission shall grant or deny the request for a rehearing within twenty days of the receipt of the petition.

24–11.04. Judicial Review of Revocation. An operator whose license was revoked may petition the Spokane Tribal Court for review of the decision within twenty days of the written decision of the Commission. The appeal shall be on the record and shall not be heard de novo. If the Court finds that the order of the Spokane Liquor Commission was arbitrary and capricious, clearly erroneous, in violation of the Constitution of the Spokane Tribe of Indians, in violation of the Constitutional rights of Indians as set forth in 25 U.S.C. 1301–1303, made upon unlawful procedures or some other error of law, the Court shall vacate the order of the Commission and remand to the Commission for the re-issuance of a license.

24–11.05. Scope of Review Limited to Issue of Revocation. By authorizing such a review of its decision, the Spokane Tribe is not waiving its sovereign immunity explicitly or implicitly, but providing operators with a judicial review of its decisions. Thus suits against the Spokane tribe of Indians or its officials for damages or any other relief are not authorized by this Chapter.

24–11.06. Judicial Review Not Granted to Those Denied a License Upon Application. An application for a liquor license is a privilege and not a right. Thus a simple denial of an application for a license is not entitled to judicial review in the Spokane Tribal Court.

24–11.07. Emergency Powers. If for an extremely serious reason, such as the keeping of the peace or the health and welfare of the people, the Commission finds it necessary to close the premises of a liquor outlet, it may do so provided that a hearing is provided to the licensed operator within three days (excluding weekends and holidays) of the closing of the liquor outlet.

Section 24–12. Violations

24–12.01. Any person(s) who shall violate any provision of this Chapter shall be subject to one or all of the following civil remedies:

(1) A civil penalty of up to $500.00 per occurrence per day and confiscation of all proceeds of such activities.

(2) A civil injunction against continued violations of this Chapter.

(3) Exclusion from the Spokane Reservation in conformity with Chapter 21 of the Spokane Tribal Code.

(4) If licensed operators, the revocation of the liquor outlet license.

Section 24–13. Severability

24–13.01. Severability. If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected.

Section 24–14. Previous Liquor Codes and Ordinances Abrogated

24–14.01. Previous Code Provisions Abrogated. It is the intent of the Spokane Indian Tribe and of the Spokane Business Committee that this liquor code cited above totally supersedes and stands in the place of any previously existing codes and ordinances relating to liquor.

[FR Doc. 02–7238 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan Abbreviated Final Environmental Impact Statement Death Valley National Park, California/Nevada; Notice of Approved Record of Decision

SUMMARY: The Department of the Interior, National Park Service, has prepared a Record of Decision on the Final General Management Plan and Abbreviated Final Environmental Impact Statement for Death Valley National Park. The Record of Decision includes background on the conservation planning effort, a description of the decision made and synopses of other alternatives considered, the basis for the decision, findings on impairment of park resources and values, a description of the environmentally preferable alternative, a discussion of measures to minimize environmental harm, and an overview of public and agency involvement in the decision-making process. The new General Management Plan will be used by park staff as a ''blueprint'' for managing the park over the next 10–15 years.

Decision (Selected Action): As detailed in the Record of Decision, the National Park Service (NPS) will implement Alternative 1, the proposed action, described in the Revised Draft Environmental Impact Statement and General Management Plan and the Abbreviated Final Environmental Impact Statement and General Management Plan. As a public service subsequent to the approval of the Record of Decision, the NPS will excerpt and reprint the final General Management Plan (the selected alternative) as a stand-alone Presentation Plan document. The selected alternative was both the agency-preferred alternative and the environmentally preferred alternative.

The selected plan represents the best mix of actions, policies, and strategies for the management of Death Valley National Park, given diverse public opinion and varying mandates. The General Management Plan (GMP) envisions the park as a natural environment and a cultural landscape (an arid ecosystem overlain by many layers of human occupation and use from prehistoric to historic to the present time), where the protection of native desert ecosystems and processes is assured for future generations. The protection and perpetuation of native species in a self-sustaining environment is a primary long-term goal. The GMP seeks to manage the park to perpetuate the sense of discovery and adventure that currently exists. This means limiting new development inside the park. The GMP envisions adjacent ''gateway'' communities as providing increased support services (food, gas, and lodging) for visitors, but also seeks to retain current opportunities for roadside camping, backcountry camping, and access to the backcountry via existing primitive roads, consistent with the NPS mission. The current park management strategies and policies will apply to the new park lands and put in place the necessary planning and management components to adequately address the Wilderness designation of 95% of the park lands. The GMP also fulfills the NPS mission of resource preservation and provision of visitor services while achieving other mandates from Congress. A stated goal of the GMP is to seek funding to purchase private property within the park from willing sellers.

Other Alternatives Considered: In addition to the proposal, other alternatives considered included ''existing management'' and an ''optional management'' approach. The existing management alternative (Alternative 2) describes the continuation of current management strategies. It is commonly referred to as the no-action or status quo alternative. It provides a baseline from which to compare other alternatives, to evaluate the magnitude of proposed changes, and to assess the potential environmental

effects of those changes. This ''no new actions'' concept follows the guidance of the Council on Environmental Quality, which describes the No Action Alternative as no change from the existing management direction or level of management intensity. It does not mean that no agency management actions would be taken. Death Valley National Park would continue managing the park according to policies and strategies identified in the 1989 GMP.

The optional approach (Alternative 3) is similar to the proposed action, except this alternative identifies the closing and restoration to a natural condition of the Chicken Strip airstrip at Saline Valley (adversely affecting those people who visit the area by airplane). This alternative also proposes closing the historic Emigrant campground because of potential flood hazards. All areas within the Eureka-Saline wilderness road corridor would be open for roadside camping. Designated car camping sites would be established in the area of the Saline Valley warm springs. Additional distinctions were detailed in the approved Record of Decision.

Basis for Decision: The selected GMP provides a logical, systematic and proactive approach to management of the Park in compliance with NPS laws, regulations and policies. The further rationale for selecting Alternative 1 over the no-action Alternative is based on the lessened environmental impacts that would be anticipated to occur by seeking funds and implementing activities identified in the proposed plan. Public opinion also helped inform the NPS's preferred approach over Alternative 3. In particular, preserving the natural quiet and sounds associated with the physical and biological resources of the park, management of Wilderness for maximum protection, funding of the full removal of feral burros, enhanced interpretive information to educate the public on desert ecosystems, geological processes, and the prehistoric, historical and Native American record, and improved administrative operations are among the key elements of the new GMP.

No Impairment of Park Resources and Values: The NPS may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or by the proclamation establishing the park. Impairment that is prohibited by the NPS's Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. In determining whether impairment may ensue from an action, park managers consider duration, severity, and magnitude of the impact; resources and values affected; and direct, indirect, and cumulative effects of the action. According to NPS Policy, ''An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is: (a) Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (b) Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (c) Identified as a goal in the park's general management plan or other relevant National Park Service planning documents.'' (NPS Management Policies, 2001).

This policy does not prohibit impacts to park resources and values. The NPS has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values.

Human activity and past development have resulted in the ongoing disruption of natural systems and processes in Death Valley National Park for generations. The no-action alternative would result in future unplanned and uncoordinated actions that are merely reactive to immediate concerns. Furthermore, these actions would likely be responsive to immediate, short-term, adverse impacts that demand attention, but may result in long term impairment to park values and resources. Thus, the ability of the public to experience, understand, appreciate, and enjoy the park could be impaired under the no-action alternative.

The NPS has determined that implementing Alternative 1 will not constitute an impairment to Death Valley National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Revised Draft EIS/GMP, the Abbreviated Final EIS/GMP, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies. While the plan may result in some minor negative impacts, in all cases these adverse impacts are the result of proactive strategies intended to implement the NPS mission, policies, and regulations in the management of Death Valley National Park. None of the proposals would result in impacts that would impair the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values. Overall, the plan results in major, long-term benefits to park resources and values and opportunities for their enjoyment; it does not result in their impairment.

The actions comprising Alternative 1 will achieve the goals of the California Desert Protection Act and NPS management policies (which include protecting and enhancing the natural and cultural resources of Death Valley and providing opportunities for high-quality, resource-based visitor experiences) in a comprehensive, integrated manner that takes into account the interplay between resource protection and visitor use. Actions implemented under Alternative 1 that would cause overall negligible adverse impacts, minor adverse impacts, short term impacts, and beneficial impacts to park resources and values, as described in the Revised Draft EIS/GMP and the Abbreviated Final EIS/GMP, will not constitute impairment. This is because these impacts have limited severity and/or duration and will not result in appreciable irreversible commitments of resources. Beneficial effects identified during the NEPA process include effects related to removal of exotic burros and protecting threatened park resources and values. Beneficial effects do not constitute impairment.

The collective actions discussed in Alternative 1 are proposed as a means of managing Death Valley National Park in a manner that would result in a protected native desert ecosystem that functions without interference from human activities, while allowing visitor use and Congressionally mandated resource consumptive activities. While some of these activities may seem contrary to the NPS preservation mission (e.g. grazing, mining), Congress specifically provides for these activities (under NPS regulation) in the park pursuant to the California Desert Protection Act. These activities may only be allowed subject to other applicable laws and regulations. This proposal outlines management strategies for these activities, and others, that would be implemented to minimize potential impacts from these activities to levels below the threshold of impairment. For example, all future mining operations would be required to undergo NPS review and impact analysis under 36 CFR part 9, subpart A. Also, a grazing management plan would

be developed to manage the one remaining cattle grazing permit so that park resources are protected. The proposed actions included in this alternative would establish an overall management approach that would allow activities to occur in the park without impairing the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values.

In addition, the NPS has determined that the environmentally preferable alternative is Alternative 1. In aggregate, Alternative 1 best achieves the six conditions prescribed under § 101 of NEPA. While some of the actions in other alternatives may be similar to Alternative 1 in their effect and consequence, Alternative 1: (1) Provides the highest level of protection of natural and cultural resources while concurrently attaining the widest range of beneficial uses of the environment without degradation; (2) maintains an environment that supports diversity and variety of individual choice; and (3) integrates resource protection with opportunities for an appropriate range of visitor uses.

Measures to Minimize Environmental Harm: The NPS investigated all practical means to avoid or minimize environmental impacts that could result from implementating the various actions. The measures are fully incorporated into Alternative 1 (as analyzed in the Revised Draft EIS/GMP and the Abbreviated Final EIS/GMP (see Appendix E in Revised Draft EIS/GMP). Monitoring and enforcement programs will supplement the implementation of mitigation measures. These programs will assure compliance monitoring, biological and cultural resource protection, traffic management, noise and dust abatement, noxious weed control, pollution prevention measures, visitor safety and education, and other mitigation measures. Mitigation measures will also be applied to all future actions that are guided by this plan. In addition, the NPS will conduct specific compliance reviews (i.e., National Environmental Policy Act, Wilderness Act, National Historic Preservation Act, Endangered Species Act, and other relevant legislation) for any future actions.

Background of Planning Process: This extensive conservation planning effort was prompted by the enactment of the California Desert Protection Act (CDPA) on October 31, 1994. CDPA transferred over 3 million acres of California desert lands from the Bureau of Land Management (BLM) to the NPS and designated nearly 8 million acres of Wilderness on NPS and BLM lands. In addition, CDPA redesignated Death Valley as a national park (likewise Joshua Tree National Park, and Mojave National Preserve was created). Wide ranging changes confronting the management of the public lands in the California desert, including increasing wildland development, mounting public use pressures, the formal listing of the desert tortoise, and passage of CDPA itself prompted NPS, BLM, and U.S. Fish and Wildlife Service desert managers to address these and other anticipated changes through development of updated or new management plans.

The significant expansion of Death Valley National Park with 1.3 million additional acres and the designation of over 95% of the park's lands as Wilderness clearly warranted the development of a new general management plan (GMP) to update and replace a 1989 GMP written for the former Monument. The GMP will serve as the overall management strategy for the next 10–15 years, and is a ''blueprint'' under which more detailed activity or implementation plans are to be prepared (the new GMP is general rather than specific in nature, and focuses on purposes of the unit, significant attributes, overall mission of the agency, what activities are appropriate within these constraints, resource protection strategies, provides guidelines for visitor use and development of facilities for visitor enjoyment and administration of the park). The goal of the GMP is to determine how best to manage the park to meet Congressional intent as expressed in the CDPA and the mission of the NPS. It was the stated intention of this conservation planning effort to explore only alternatives that would result in an implementable management plan for the park. Alternatives that would require legislation before they could be implemented, were contrary to specific Congressional direction or NPS regulations or policy, or require vast sums of funding to implement, would create unreasonable expectations on the part of the public and would not serve the need of creating an implementable management plan for this unit. Therefore, only alternatives that explore the range of options for managing uses mandated by Congress were evaluated.

Preparation of this GMP began in 1995 with the selection and stationing of a planning team in Barstow, California. The Notice of Intent was published in the **Federal Register** on September 5, 1995. The planning team conducted 20 public scoping meetings in September 1995 and April 1997 to gather public input on the management direction for the park and BLM lands. In addition, a number of agency scoping meetings were held. From this input and meetings with interested parties (such as county departments, special interest groups, state agencies, Native American tribes, etc.) and discussions with NPS and BLM staff, proposed management plans were developed.

In September 1998 the Draft Environmental Impact Statement/ General Management Plan (EIS/GMP) was released for public review. Approximately 450 printed copies (and 100 CD–ROMs) of the Draft EIS/GMP were distributed for review; the entire document was also posted on the internet with links from the park's homepage and the Northern and Eastern Mojave planning page. The notice of filing of the Draft EIS/GMP was published in the **Federal Register** by the Environmental Protection Agency (EPA) on September 11, 1998 (FR 48727). Written comments were accepted from September 11, 1998, through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 throughout the planning region of southern California and southern Nevada. In addition, the planning team participated in numerous meetings of the Death Valley Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the GMP. Death Valley received approximately 600 comment letters from government agencies, tribes, interest groups, and individuals. In addition, members of environmental groups sent approximately 1,800 identical postcards. Several additional letters and postcards were received after the closing date for public comments.

Due to the large number of substantial changes required as a result of public comment on the 1998 Draft EIS/GMP, the NPS decided to rewrite the document. In September 2000, a Revised Draft Environmental Impact Statement and General Management Plan was released for 92 days of public review. Responses to written public comments on the 1998 Draft EIS/GMP were addressed in a separately bound report. A notice of filing was published in the **Federal Register** by the EPA on September 6, 2000 (FR 54062–54064). Eleven more public meetings on the revised materials were held in southern California and southern Nevada during October and November 2000. During the public comment period, a total of 47 written comments were received. All substantive comments on the 1998 Draft DEIS/GMP were addressed in a separate document that was made available concurrent with the Revised EIS/GMP.

After consideration of substantive public comments on the Revised EIS/GMP (which surfaced no new major issues or information gaps), the NPS decided to prepare an Abbreviated Final Environmental Impact Statement and General Management Plan, dated June 2001. The abbreviated format was used because changes to the revised draft document were minor and confined primarily to factual corrections, which do not modify the analysis. This abbreviated format requires that the material be integrated with the Revised Draft Environmental Impact Statement and General Management Plan to comprise the full record of the environmental impact analysis and public comment.

Conclusion: Alternative 1 provides the most comprehensive and proactive strategy among the alternatives considered for meeting the NPS's purposes, goals, and criteria for managing Death Valley National Park in accordance with Congressional direction, federal laws, and NPS management policies. The selection of Alternative 1, as reflected by the analysis contained in the environmental impact statement, would not result in the impairment of park resources and would allow the NPS to conserve park resources and provide for their enjoyment by visitors. To obtain a copy of the Presentation Plan document when it becomes available, or for the complete Record of Decision at this time, requests may be sent to the Superintendent, Death Valley National Park, Death Valley, California, 92328.

Dated: September 27, 2001.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region, National Park Service.

[FR Doc. 02–7248 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Grand Portage National Monument, MN; General Management Plan

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of the draft general management plan/draft environmental impact statement for Grand Portage National Monument, Minnesota.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the draft general management plan/draft environmental impact statement (DGMP/DEIS) for Grand Portage National Monument (hereafter ''the Monument''). This notice also announces public open houses for the purpose of explaining the DGMP/DEIS and receiving public comments on the DGMP/DEIS.

DATES: There will be a 60-day public review period for comments on this DGMP/DEIS. Comments on the DGMP/DEIS must be received 60-days after the Environmental Protection Agency publishes its notice of availability in the **Federal Register** or following an announcement in local papers, whichever is published later. Public open houses for information about, or to make comment on the DGMP/DEIS will be held in Grand Marais and other locations within the State of Minnesota. Information about time and place will be available by contacting the park at the address below. Open house schedules will be published in state and local papers.

ADDRESSES: Copies of the DCMP/DEIS are available by request by writing to Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668, by phone 218–387–2788. The document can be picked-up in person at the Monument's Headquarters, 315 S. Broadway, Grand Marais, MN.

FOR FURTHER INFORMATION CONTACT: Superintendent, Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668, or at telephone number 218–387–2788.

SUPPLEMENTARY INFORMATION: The purpose of the general management plan is to set forth the basic management philosophy for the Monument and to provide the strategies for addressing issues and achieving identified management objectives. The DDMP/DEIS describes and analyzes the environmental impacts of a proposed action and three action alternatives for the future management direction of the Monument. A no action alternative is also evaluated. The preferred alternative, Alternative E, is an alternative that was developed to combine actions from the other alternatives to achieve desired results. It would include a year-round heritage center and an Ojibwe Culture Center. Alternative B would attempt to transport visitors back to the 1790's, with maritime transportation along the historic waterfront and additional interpretation of Lake Superior and connecting waterways. Visitors could learn about the maritime aspects of the fur trade, as well as about the Ojibwe culture and heritage. Alternative C would offer a multifaceted visitor experience: several newly reconstructed structure and interpretive exhibits, a combined heritage center/headquarters open year-round, and an Ojibwe Heritage Cultural Center. Interpretation would encompass prehistoric, historic, and contemporary activities. Alternative D would include a large multifunctional heritage center, which would offer a glimpse into the history of the Grand Portage and its inhabitants. Alternative A is the no-action alternative, which provides a baseline for comparing other action alternatives.

Persons wishing to comment may do so by one of several methods. They may attend the open house noted above. They may mail comments to Superintendent, Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668. They also may hand-deliver comments to the Grand Portage National Monument headquarters located at 315 S. Broadway, Grand Marais, MN.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. As always, the NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments will not be considered.

The responsible official is Mr. William Schenk, Midwest Regional Director, National Park Service.

Dated: January 22, 2002.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. 02–7256 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Statements; Notice of Intent

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare a general management plan and environmental impact statement for Fallen Timbers Battlefield and FortMiamis National Historic Site, Ohio.

SUMMARY: The National Park Service (NPS) will prepare a general management plan (GMP) and an associated environmental impact statement (EIS) for Fallen Timbers Battlefield and Fort Miamis National Historic Site in accordance with section

102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This notice is being furnished as required by NEPA Regulations 40 CFR 1501.7.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS, and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited.

Participation in the planning process will be encouraged and facilitated by various means. Notification of all public involvement opportunities will be announced in the local press and in NPS mailings. To begin the public process, the NPS will conduct a scoping meeting to explain the planning effort and to solicit opinion about issues to address in the GMP/EIS.

DATES: Two public scoping meetings will be held on Tuesday, March 12, 2002. An afternoon session will be held from 3:30 p.m. to 5:30 p.m.; and an evening session will be held from 7:00 p.m. to 9:00 p.m. Both meetings will be held at the Toledo-Lucas County Public Library, Maumee Branch, 501 River Road, Maumee, Ohio. More information about the meetings is available from the Site Manager, Metroparks of the Toledo Area, at the address and telephone number below.

ADDRESSES: Written comments and information concerning the scope of the EIS and other matters, or requests to be added to the project mailing list should be directed to: Public Information Officer, Metroparks of the Toledo Area, 5100 West Central Avenue, Toledo Ohio 43615; phone: 419–535–3057 extension 126.

FOR FURTHER INFORMATION CONTACT: Metroparks of the Toledo Area, Public Information Officer, at the address and telephone number above.

SUPPLEMENTARY INFORMATION: Public Law 106–164, signed into law on December 9, 1999, provides for the establishment of Fallen Timbers Battlefield and Fort Miamis National Historic Site as an affiliated unit of the National Park System. The purpose of the National Historic Site is to recognize, preserve, interpret and link Fort Miamis and the Fallen Timbers Battlefield. The Battle of Fallen Timbers played an important role in the history of the Nation's early Northwest frontier and was the culminating event which demonstrated the tenacity of the American people in their efforts to expand settlement westward through the struggle for dominance of the Old Northwest Territory.

In accordance with NPS Park Planning policy, the GMP will ensure the Historic Site has a clearly defined direction for resource preservation and visitor use. It will be developed in consultation with servicewide program managers, interested parties, and the general public. It will be based on an adequate analysis of existing and potential resource conditions and visitor experiences, environmental impacts, and costs of alternative courses of action.

The environmental review of the GMP/EIS for the Historic Site will be conducted in accordance with requirements of the NEPA (42 U.S.C. 4371 et seq.), NEPA regulations (40 CFR 1500–1508), other appropriate Federal regulations, and National Park Service procedures and policies for compliance with those regulations.

Dated: January 22, 2002.

David N. Given,

Acting Regional Director.

[FR Doc. 02–7252 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Statement; Notice of Intent

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare a general management plan and environmental impact statement for First Ladies National Historic Site, Ohio.

SUMMARY: The National Park Service (NPS) will prepare a general management plan (GMP) and an associated environmental impact statement (EIS) for First Ladies National Historic Site, Ohio, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This notice is being furnished as required by NEPA Regulation 40 CFR 1501.7.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS, and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited.

Participation in the planning process will be encouraged and facilitated by various means. Notification of all public involvement opportunities will be announced in the local press and in NPS mailings. To begin the public process, the NPS will conduct a scoping meeting to explain the planning effort and to solicit opinion about issues to address in the GMP/EIS.

DATES: A public scoping meeting will be held on Monday, February 25, 2002 at 2:00 p.m. at the Saxton House, 331 S. Market Avenue, Canton, Ohio. More information about the meetings is available from the Site Manager, First Ladies National Historic Site, at the address and telephone number below.

ADDRESSES: Written comments and information concerning the scope of the EIS and other matters, or requests to be added to the project mailing list should be directed to: Ms. Carol J. Spears, Site Manager, First Ladies National Historic Site, 8095 Mentor Avenue, Mentor, OH 44060. Telephone: 440–974–2993.

FOR FURTHER INFORMATION CONTACT: Site Manager, First Ladies National Historic Site, at the address and telephone number above.

SUPPLEMENTARY INFORMATION: First Ladies National Historic Site was established to preserve and interpret the role and history of First Ladies for the benefit, inspiration, and education of the people of the United States.

In accordance with NPS Park Planning policy, the GMP will ensure the National Historic Site has a clearly defined direction for resource preservation, visitor use, and facilities development. It will be developed in consultation with servicewide program managers, interested parties, and the general public. It will be based on an adequate analysis of existing and potential resource conditions and visitor experiences, environmental impacts, and costs of alternative courses of action.

The environmental review of the GMP/EIS for the historic site will be conducted in accordance with requirements of the NEPA (42 U.S.C. 4371 *et seq.*), NEPA regulations (40 CFR 1500–1508), other appropriate Federal regulations, and NPS procedures and policies for compliance with those regulations.

Dated: January 18, 2002.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. 02–7255 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Rosie the Riveter/World War II Home Front National Historical Park; Richmond, California; Notice of Intent To Prepare an Environmental Impact Statement

SUMMARY: In accordance with § 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et. seq.*), the National Park Service (NPS) is undertaking a conservation planning and environmental impact analysis process to determine what approaches to take concerning resource protection and visitor use in the development of the Rosie the Riveter/World War II Home Front National Historical Park in Richmond, Contra Costa County, California. Notice is hereby given that a public scoping process has been initiated to prepare an Environmental Impact Statement (EIS) and General Management Plan (GMP). The purpose of the scoping process is to elicit public comment regarding the spectrum of issues and concerns, including a suitable range of alternatives, and the nature and extent of potential environmental impacts and appropriate mitigation strategies which should be addressed in the planning and environmental analysis process.

Background

As authorized by Pub. L. 106–352, the NPS is preparing a General Management Plan for the Rosie the Riveter/World War II Home Front National Historical Park in Richmond, California. The Rosie the Riveter/World War II Home Front National Historical Park includes the Ford Assembly Building, the Richmond Shipyard #3 (currently known as the Port of Richmond, Terminals 5, 6 and 7), the Maritime and Ruth Powers Child Development Centers, Atchison Village housing, Kaiser Field Hospital, Fire Station 67A, the Rosie the Riveter Memorial, the S.S. Red Oak Victory, and city parks referred to in the authorizing legislation as Shimada Peace Memorial Park, Westshore Park (now known as Lucretia Edwards Park), Sheridan Observation Point Park, Vincent Park, and the Bay Trail/Esplanade. The National Park Service does not own or manage these sites, but is authorized to interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories, operate an education center, provide visitor services, provide technical assistance, enter into agreements to support preservation and interpretation, and acquire technical assistance, enter into agreements to support preservation and interpretation, and acquire certain structures from willing sellers. The NPS will work in cooperation with the public and private owners of these sites to plan for and encourage their preservation and use.

Pub. L. 106–352 requires the General Management Plan to include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which must be jointly developed and approved by the City of Richmond. Legislation also requires the General Management Plan to include a determination of whether there are additional representative sites in Richmond that should be added to the park, or sites elsewhere in the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park.

In preparing the General Management Plan, the NPS will develop management prescriptions for each area of the park. These management prescriptions will specify desired resource conditions, desired visitor experiences, and appropriate types and levels of management, use and development. The General Management Plan will serve as a blueprint for the next ten to fifteen years to guide park management decisions relating to park operations, facilities, staffing, interpretation and community involvement.

Scoping Comments

Formal scoping for the General Management Plan and EIS is hereby initiated. Public meetings will be held at various locations in Richmond, CA, and in other parts of the San Francisco Bay Area, with locations and dates to be determined. These public meetings will be announced via local and regional news media and by direct mail. All interested individuals, organizations and agencies wishing to provide comments, suggestions, or relevant information, or those wishing to be added to the project mailing list, should respond to: National Park Service, Attn: Martha Crusius, Planning and Partnerships, 1111 Jackson St. #700, Oakland, CA 94607. All written comments must be postmarked not later than August 30, 2002.

If individuals submitting comments request that their name or/and address be withheld from public disclosure, their requests will be honored to the extent allowable by law. Such requests must be available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments may not be considered.

Decision Process

Availability of the draft GMP/EIS for review and written comment will be announced by **Federal Register** notice, via local and regional news media, and direct mailing. At this time the draft GMP/EIS is anticipated to be available for public review in 2003, and that subsequently a final GMP/EIS will be completed in 2004. To afford additional opportunity to comment on the draft GMP/EIS after it is distributed, public meetings will be held in the City of Richmond and San Francisco Bay Area (dates and locations to be determined). Notice of the availability of the final GMP/EIS will likewise be published in the **Federal Register**. As this is a delegated EIS, the official responsible for approval is the Regional Director, Pacific West Region, National Park Service; subsequently the official responsible for implementation will be the Superintendent of Rosie the Riveter/World War II Home Front National Historical Park.

Dated: January 11, 2002.

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 02–7254 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Fire Management Plan; Santa Monica Mountains National Recreation Area Lost Angeles and Ventura Counties, California; Notice of Scoping to Prepare Environmental Document

SUMMARY: Notice is hereby given, in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4321 *et. seq.*) that public scoping has been initiated for a conservation planning and impact analysis process for updating the current fire management plan at Santa Monica Mountains National Recreation Area. The purpose of the scoping process is to elicit early public comment regarding issues and concerns, a suitable range of alternatives and appropriate mitigating measures, and the nature and extent of potential environmental impacts which should be addressed.

Background: The Santa Monica Mountains National Recreation Area is a 150,000 acre unit of the National Park System. Naturally occurring fire is an

important ecological process in maintaining the native plant communities of the park, but wildfire poses a hazard to life and property at the urban/wildland interface areas. The park has had a fire management program since 1986; the plan was updated in 1994. The park utilizes a limited number of forms of fire management to achieve natural and cultural resource management and hazard fuel reduction goals including complete suppression, prescribed burning and mechanical fuel reduction.

The current environmental impact analysis of the park's fire management program was initiated in 1986 and culminated in a Finding Of No Significant Impact. Since that time, a spectrum of new issues, improved information, and unforeseeable constraints have emerged which have the potential to affect the future direction of the fire management program within the park. Some of these factors include but are not limited to: a potential decline in ecosystem health due to anthropogenically increased fire frequency, increased hazards and costs associated with fire suppression at the urban/wildland interface, and more stringent air quality regulations.

Information and Comment: As noted, the National Park Service will undertake a conservation planning and environmental impact analysis effort to address issues and concerns regarding any update in the current fire management program, and identify new alternatives for fire management in the Santa Monica Mountains National Recreation Area. At this time, it has not been determined whether an Environmental Assessment or Environmental Impact Statement will be prepared, however, this scoping process will aid in this determination.

As an early step in this undertaking, a series of four public scoping meetings will be conducted in April, 2002. California cities where scoping meetings will be held are: Calabasas/Agoura Hills, Malibu, Beverly Hills, and Thousand Oaks. For those unable to attend meetings, a scoping document will be available upon request. The main topics to be addressed in the scoping document and meetings are: background information on the fire management program; a review of relevant policy and law affecting the fire management program; an assessment of current fire management needs; and the identification of issues and potential alternatives related to future fire management in the park. All interested individuals, organizations, and agencies are encouraged to provide comments or suggestions. Written comments regarding the fire management program update must be postmarked no later than August 31, 2002.

For confirmed details about the scoping meetings, or to request a copy of the scoping background material and provide comments, please contact: Superintendent, Santa Monica Mountains National Recreation Area; Attn: Corrina Marote B—Fire Management Plan; 401 West Hillcrest Drive, Thousand Oaks, California 91360 or via telephone at (805) 370–1845.

If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision: The official responsible for final approval is the Regional Director, Pacific West Region, National Park Service. Subsequently, the official responsible for implementation would be the Superintendent, Santa Monica Mountains National Recreation Area. The draft fire management plan and environmental document are expected to be available for public review in June, 2002. At this time it is anticipated that the final plan and environmental document are to be completed in October, 2002.

Dated: February 8, 2002.

John J. Reynolds,

Regional Director, Pacific West.

[FR Doc. 02–7249 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan; Middle and South Forks Kings River Wild and Scenic River Comprehensive Management Plan; North Fork Kern River Wild and Scenic River Comprehensive Management Plan; Sequoia and Kings Canyon National Parks Tulare and Fresno Counties, California; Notice of Intent to Prepare an Environmental Impact Statement

SUMMARY: The National Park Service (NPS) will prepare Comprehensive Management Plans for the Middle and South Forks Kings River and the North Fork Kern River, which in 1987 were designated as components of the National Wild and Scenic Rivers System. The purpose of these Comprehensive Management Plans is to provide direction and overall guidance on managing these wild and scenic rivers within the boundaries of Sequoia and Kings Canyon National Parks. These plans will be prepared concurrently with the park's ongoing General Management Plan (GMP), in accord with 40 CFR 1501.7 and 40 CFR 1508.22 of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969 (Pub.L. 91–190). This notice supersedes a previous Notice of Intent which was published in the October 28, 1997 **Federal Register** (V62,N208,PP55827–28). The forthcoming Environmental Impact Statement (EIS) for the GMP will be expanded to include Comprehensive Management Plans for these river segments.

Background

Congress directed the NPS to revise the GMP for these parks to recognize these designations. The EIS will include an evaluation of the potential impacts, if any, and appropriate mitigation strategies, associated with implementing Comprehensive Management Plans (CMP) for wild and scenic river management. The CMPs will establish boundaries and identify appropriate classification of segments, and the GMP and CMPs will ensure that no development or use of park lands will be undertaken that is inconsistent with the designation of these river segments.

Comments

Comments concerning the scope of the CMPs, and any new information regarding the GMP, are encouraged at this time. Scoping comments regarding the GMP received previously are recorded in the administrative record and will also continue to be addressed (a synopsis of issues and concerns received overall will be available). Written comments concerning the CMPs or/and GMP should be sent to: Superintendent, Sequoia and Kings Canyon National Parks, 47050 Generals Highway, Three Rivers, CA 93271–9651. All written responses must be postmarked not later than March 29, 2002. For additional info, or requests to be added to the project mailing list, contact Dr. David Graber, GMP Coordinator, at the above address or via telephone at (559) 565–3173.

If individuals submitting comments request that their name or/and address

be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision

As a delegated EIS, the official responsible for the final decision is the Regional Director, Pacific West Region; subsequently the official responsible for implementation is the Superintendent, Sequoia and Kings Canyon National Parks. At this time it is anticipated that the Draft EIS for the GMP/CMPs will be available for public review in the fall of 2002. Distribution of the document will be duly noted in the **Federal Register** and announced via local and regional press. Thereafter the Final EIS would be completed in the spring of 2003.

Dated: January 16, 2002.

Cynthia Ip,

Acting Regional Director, Pacific West Region.

[FR Doc. 02–7253 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Funding Assistance for Non-Federal Acquisition of Civil War Battlefield Land

AGENCY: National Park Service, Interior.

ACTION: Availability of Funding for Acquisition of Civil War Battlefield Land.

SUMMARY: The National Park Service (NPS) announces the availability of funds to assist States and local communities in acquiring for permanent protection lands, or interests in lands, at significant Civil War battlefield sites.

ADDRESSES: Funding proposals should be mailed to: Hampton Tucker, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC, 20240, telephone (202) 343–3580.

FOR FURTHER INFORMATION CONTACT: Paul Hawke, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC, 20240, telephone (202) 343–1005.

SUPPLEMENTARY INFORMATION: The National Park Service's American Battlefield Protection Program (ABPP) announces the availability of funds from the Land and Water Conservation Fund to help States and local communities acquire and preserve our nation's threatened Civil War Battlefields, as authorized by the FY 2002 Department of the Interior Appropriations Act (Pub. L. 107–63). The $11 million available for matching grants will be administered by the ABPP and awarded through a competitive process over three years (fiscal years 2002 through 2004). Each grant requires a dollar-for-dollar non-Federal match. Grants are available for the fee simple acquisition of land, or for the acquisition of permanent, protective interests in land, at Civil War Battlefields listed in the Civil War Sites Advisory Commission's (CWSAC) 1993 Report on the Nation's Civil War Battlefields. Higher consideration will be given to proposals for acquisition at battlefields defined as Priority 1 or 2 sites in the CWSAC Report. The CWSAC Report and a listing of battlefields' priority status can be found on the ABPP's Web site at *http://www2.cr.nps.gov/abpp/priority.htm*.

Who May Apply

Battlefield Land Acquisition Grants will be awarded to units of State and local governments. In any case where a private non-profit organization seeks to acquire battlefield land with assistance from this program, that organization must apply in partnership with a State or local government agency. The government agency may then subgrant the federal funds to the non-profit organization. In any case where a local government or a private non-profit organization acquires land or an interest in land with assistance from this program, it must convey an acceptable perpetual protective easement on the land to the State Historic Preservation Officer or other governmental agency acceptable to the National Park Service, in accordance with the Administrative Requirements set out below.

What Is Funded

Grants must be used to acquire battlefield land or to acquire a permanent, protective interest (i.e., a perpetual easement) in battlefield land. Additional costs associated with the acquisition—such as appraisal costs, survey fees, title insurance, and other closing costs—are also eligible grant costs. Eligible battlefields are those listed in the CWSAC's 1993 Report on the Nation's Civil War Battlefields. CWSAC Priority 1 & 2 sites will be given highest consideration. Eligible acquisitions should lie within the ''core'' areas of these battlefields, as defined by the CWSAC. Proposals for acquisition of battlefield land outside the ''core'' area but within the ''study'' area as defined by the CWSAC are eligible but will be considered a lower priority than ''core'' area land. Land lying entirely outside of the CWSAC ''study area'' is not eligible for assistance from this program. In any case where the land proposed for acquisition lies partially within the study area and partially outside the study area, the majority of the land must be within the study area. Contact the ABPP to confirm core and study area boundaries. There is no minimum grant request. Typically, $500,000 will be the maximum award, though NPS will entertain larger requests under special circumstances. Past acquisition grants have ranged from $50,000 to $500,000, with an average grant of $220,000.

Ordinarily, grant funds will be awarded for acquisitions that take place following the award of the grant. However, a State or local government may apply on behalf of a non-profit organization that has borrowed money in order to acquire land immediately in order to prevent its imminent sale for development, provided that the land in question is not currently protected by public ownership of a permanent, protective interest in the land. Grant assistance for the retirement of such privately held debt must result in the public ownership of either the fee simple interest or a permanent, protective interest in the land, in accordance with the other terms of this offering. However, the fact of such prior purchase creates no additional priority for funding assistance from NPS.

Administrative and Funding Requirements

- A dollar-for-dollar non-Federal match is required for all projects; Federal appropriations or other Federal grants may not be used for match. Matching funds should be ''in-hand'' or otherwise committed at the time that the acquisition proposal is submitted to NPS. NPS will accept proposals from applicants who have not yet secured their matching share, but it reserves the right to provide such applicants with a conditional response pending the availability of matching funds within a specified period of time. If partners will not commit matching funds without the leverage provided by this acquisition grant, applicants may provide a letter from potential funding sources guaranteeing that receipt of a battlefield acquisition grant will release matching funds.

• Section 6.f. of the Land and Water Conservation Act requires that the land acquired with these funds shall not be converted to other uses without the express written consent of the Secretary of the Interior, but must be preserved in perpetuity. These provisions must be included in any conveyance documents of land or interests in lands acquired with grant funds. All Battlefield Acquisition grantees must agree that a permanent record will be kept in the relevant public property records and be available for public inspection to the effect that this property was acquired with Federal assistance, and that it will not be converted to other than preservation uses without the written approval of NPS. All grantees further agree, therefore, that the appropriate remedy in the event of a breach by the grantee of this agreement shall be the specific performance of this agreement, and that the amount of the grant cannot be repaid to negate the requirements of this agreement.

• Because the Section 6.f. ''non-conversion'' clause noted above is not necessarily sufficient to protect the historic features of the battlefield, NPS also requires that all Battlefield Acquisition grantees or subgrantees must encumber the title to the acquired battlefield property with a preservation easement running with the land, in favor of and enforceable in court by the State Historic Preservation Office, or by another government agency acceptable to NPS, in perpetuity. In cases where a State government agency will acquire and manage the property, the State must enter into a letter of agreement with NPS, stating that the State will preserve and maintain the property and its historic features for future generations. This letter will be recorded with the deed for the property and will run with the land in perpetuity.

• The fundamental purpose of the Land and Water Conservation Fund is to assist in the acquisition and/or development of public outdoor recreation areas. Accordingly, grantees must provide for the appropriate public access to and enjoyment of any lands or interests in lands acquired with assistance from this program, subject to necessary and reasonable measures on the part of the grantee to protect the historic features of the battlefield from damage or loss.

• Prior to the expenditure of grant funds for the purchase of real property, a current appraisal must be obtained. This appraisal must have an effective date within 180 calendar days of the signing of the contract to purchase the property. A professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended, in the State where the appraised property is located must perform the appraisal. A copy of the appraisal must be submitted to NPS for review to support the proposed acquisition cost. Appraisal preparation, documentation and reporting must be made in conformance with the standards and practices of the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), as codified in 49 CFR 24.103, and the Uniform Standards of Professional Appraisal Practices (USPAP Standards 1 and 2) published by the Interagency Land Acquisition Conference. A copy of the appraisal standards can be obtained from the Department of Justice Web site at *http://www.usdoj.gov/enrd/land-ack/fwd*. Appraisals will be reviewed by NPS for conformance with the Federal appraisal requirements. The cost of the appraisal is an allowable cost for this grant.

• Grantees may not charge costs for administering the project to the grant or to the required matching share.

Proposal Package

Each proposal should include the following elements (all must be present before the proposal will be accepted by the ABPP):

(1) CWSAC Priority Listing and Map

The applicant must include the CWSAC priority listing and document that the proposed acquisition lies within the battlefield core and/or study area, as defined by the CWSAC. Applicants must submit a USGS quadrangle map with the boundaries of the proposed acquisition clearly drawn.

(2) Threat to the Battlefield

The applicant must demonstrate that the battlefield is imminently threatened. The nature, the extent, and the level of severity of the threat to the battlefield must be clearly and convincingly stated. Further, the applicant must describe how and to what extent the proposed acquisition addresses the described threat.

(3) Ability to Secure Non-Federal Match

An applicant that has secured matching funds must list all sources of those funds. The applicant must certify that the non-federal matching funds are either ''in-hand'' or otherwise committed in writing at the time of application. Third-party matching share commitments must be documented by letter from the third party. Matching share commitments contingent upon receipt of federal funds from this program are acceptable.

An applicant that has not yet secured matching funds must submit a specific, credible plan for raising the necessary matching funds. The plan must identify potential sources of funds. It must include a proposed schedule, usually not more than 120 days, for securing funds or commitments of funds.

(4) Immediacy of Acquisition

The applicant must demonstrate that the owner of the property to be acquired is willing to sell the land at an agreed-upon price. Acceptable documentation includes a contract or contingent contract to buy the land, or a letter from the owner indicating willingness to enter into such a contract at a specified price. The applicant should include a schedule for completion of the acquisition within the near future.

For Additional Information

Questions and requests may be addressed to Paul Hawke, Chief, American Battlefield Protection Program, at 202–343–1005.

Proposal Submission

Proposal packages must be submitted in hard copy. Faxed proposals and proposals submitted electronically will not be accepted. Incomplete proposals will not be considered. Unsuccessful applicants may resubmit a more complete proposal for consideration in a later round of awards.

A complete proposal package contains all of the following items

• A carefully drawn map on a USGS Quadrangle Map that defines the boundaries of the battlefield and identifies within those boundaries the specific lands to be acquired.

• A statement defining the threat to the battlefield. The statement should highlight the impact of this threat on the proposed acquisition parcel.

• A statement from the property owner indicating a willingness to sell or to negotiate for the sale of the property.

• A list of sources of the required non-Federal matching share. Verification of the availability of these funds must be included with this proposal.

Application Deadlines

Applicants may submit their proposals to NPS at any time. Applications for Priority 1 and 2 battlefields will be reviewed as they are received. NPS will notify the applicant of its decision within 30 days of receipt of the application. Applications for Priority 3 and 4 battlefields will be

reviewed every four months beginning on June 1, 2002, and thereafter on October 1, 2002, February 1, 2003, June 1, 2003, and October 1, 2003, or until funds are no longer available. For example, a Priority 3 or 4 application received on June 2, 2002 would not be reviewed until October 1, 2002. NPS will notify Priority 3 and 4 applicants of its decision within 45 days of the pertinent deadline above.

Dated: February 13, 2002.

Hampton Tucker,

Grants Management Specialist, Heritage Preservation Services.

[FR Doc. 02–7251 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 2, 2002. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW., Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by April 10, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Alameda County

Remar Bakery, 1010 46th St., Emeryville, 02000328

Humboldt County

Washington School, 1910 California St., Eureka, 02000329

Los Angeles County

Broadway Theatre and Commercial District (Boundary Increase), 242, 248–260, 249–259, 900–911, 908–910, 921–937, 930–947 S. Broadway, Los Angeles, 02000330

CONNECTICUT

Fairfield County

Gores, Landis, House, 192 Cross Ridge Rd., New Canaan, 02000331

Hartford County

Erwin Home for Worthy and Indigent Women, 140 Bassett St., New Britain, 02000332

Litchfield County

Benedict, Francis Jr., House, 85 N. Colebrook Rd., Norfolk, 02000333

Esperanza, 511 Town Hill Rd., New Hartford, 02000334

New Haven County

Canoe Brook Historic District, Roughly along Bradley St., Cherry Hill Rd., Home Place, Lincoln Ave., Main and N. Harbor Sts., Branford, 02000335

East Haven Green Historic District, 263, 270, 274 Hemingway Ave., 125, 129, 133, 139, 143, 150 Main St., 3, 7, 11, 15, 23, 27, 39, 47 Park Pl. & 58, 100 River St., East Haven, 02000336

New London County

Quaker Hill Historic District, Roughly along Old Norwich Rd. from Richards Grove Rd. to Mohegan Ave. Pkwy., Waterford, 02000337

GEORGIA

Bibb County

Cherokee Brick and Tile Company, 3250 Waterville Rd., Macon, 02000338

Coweta County

Newnan Cotton Mill and Mill Village Historic District, Roughly bounded by E. Washington, Wilcoxen and Farmer Sts., and CSX RR., Newnan, 02000339

Warren County

Warrenton Downtown Historic District, Roughly centered on jct. of Main and Depot Sts., Warrenton, 02000340

KENTUCKY

Boone County

Crisler—Crisler Mounds Site, Address Restricted, Hebron, 02000341

Logan County

Cedar Grove Rosenwald School, 375 Cedar Grove Rd., Olmstead, 02000342

Madison County

Berea College Forest, KY 21, 2 mi. E. of Berea College campus, Berea, 02000343

Mercer County

Froman—McCann House, 532 Bailey Pike, Harrodsburg, 02000344

Nelson County

Johnson, Silvester, House and Business, 151–153 N. Main St., New Haven, 02000345

MAINE

Androscoggin County

Penney, Samuel, House, 78 Maple St., Mechanics Falls, 02000346

Franklin County

Coburn, John G., 360 River Rd., Carthage, 02000347

Kennebec County

Powder House Lot, High St., 1/4 mi. S. of jct. with Winthrop St., Hallowell, 02000348

Piscataquis County

Breakwater, The, S. tip of Kineo Is., W. side of Kineo Cove (Kineo Township), Rockwood, 02000349

Waldo County

Tranquility Grange No. 344, 1 mi. N. of jct. ME 52 and ME 173, Lincolnville Center, 02000350

Washington County

Boynton High School, Former, 78 High St., Eastport, 02000351

York County

Welch, Andrew, Homestead, 1286 Middle Rd., Parsonsfield, 02000352

MARYLAND

Montgomery County

Salmon—Stohlman House, 4728 Dorset Ave., Chevy Chase, 02000353

MISSISSIPPI

Oktibbeha County

Outlaw, Dossey A., Plantation, 2173 Oktoc Rd., Starkville, 02000354

MISSOURI

Benton County

Central Cole Camp Historic District, (Cole Camp, Missouri MPS) Roughly consists of the 100 blks. of E and W Main St., most of Maple St., 105 E. Butterfield, 106 N Olive, 107 N Boonville-Cole Camp, 02000355

Cape Girardeau County

Marquette Hotel, 338 Broadway St., Cape Girardeau, 02000356

Ste. Genevieve County

Ste. Genevieve Historic District, (Ste. Genevieve, Missouri MPS) Roughly bounded by Main St. and St. Mary's Rd., Roberts, 7th, and Seraphin Sts., Ste. Genevieve, 02000357

NEW YORK

Columbia County

Van Valkenburgh, James G. House, 31 Co. Rd. 13, Chatham, 02000358

Montgomery County

West Hill School, 3 Otsego St., Canajoharie, 02000359

New York County

Sugar Hill Historic District, Roughly bounded by W. 155th St., 145th St., Bradhurst Ave. and Convent Ave., New York, 02000360

Suffolk County

First Congregational Church of New Village, N. side of Middle Country Rd. W. of Elliot Ave., Lake Grove, 02000361

VIRGINIA

Albemarle County

Advance Mills, Jct. VA 743 and VA 641, Advance Mills, 02000362

Bath County

Mustoe House, Rt. 2, Box 211, Hot Springs, 02000363

Richmond Independent City

Barton Heights Cemeteries, 1600 Lamb Ave., Richmond (Independent City), 02000364
Carver Residential Historic District, 700–1500 blks. W. Leigh, 700–1400 blks. W. Catherine, Clay, & Marshall, Richmond (Independent City), 02000365
Chestnut Hill—Plateau Historic District, 1st, 2nd, 3rd, 4th and 5th Aves. from Brooklyn Park Blvd. to Trigg St., Richmond, 02000366

Smyth County

Saltville Historic District, Main St., 1st Ave., Palmer Ave, Palmer Ln., Stadium Dr., and Henrytown Rd. Saltville, 02000367

Waynesboro Independent City

Port Republic Road Historic District, Alpha, Beta, Elkton Sts., Fairview Ave., Fontaine St., Minden Pl., Port Republic Rd., Riverside Dr. and Shiloh Ave., Waynesboro (Independent City), 02000368
Tree Streets Historic District, Roughly bounded by Pine Ave., Eleventh St., S. Wayne Ave., 16th St., and Oak Ave., Waynesboro (Independent City), 02000369

WISCONSIN

Waupaca County

Main Street Historic District, Roughly along S. and N. Main Sts. from W. Union to Granite Sts., Waupaca, 02000370

A request for a MOVE has been for the following Resources: The Boone County Clerk's Building within the

KENTUCKY

Boone County

Burlington Historic District, KY 18, Burlington, 79000961

WISCONSIN

Dane County

Brittingham Park Boathouse, N. Shore Dr., Madison, 82000649

[FR Doc. 02–7250 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities: New Collection, Comments Requested

ACTION: 60 Day emergency notice of information collection under review: new collection; voluntary appeal file brochure.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by March 1, 2002. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the OMB, Office of Information and Regulatory Affairs, Attn: Department of Justice Desk Officer, (202) 395–6466, Washington, DC, 20530.

During the first 60 days of this same review period, a regulator review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Natalie Goff-Haggerty, Program Analyst, Federal Bureau of Investigation, CJIS Division, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile at (304) 625–2356.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form:* Voluntary Appeal File Brochure.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: None.

Sponsor: Criminal Justice Information Services Division of, Federal Bureau of Investigation, Department of Justice

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract: Primary:* Any individual requesting entry into the FBI/NICS Voluntary Appeal File (VAF).

Brief Abstract: Under the NICS final rule, 28 CFR 25.9(b)(1), (2), (3), published on (DATE), the NICS must destroy all identifying information on allowed transactions before the start of the next NICS operational day. If a potential purchaser is delayed or denied a firearm, then successfully appeals the decision, the NICS would not be able to retain the record(s) of the appeal or any supporting documentation/information. The purchaser would be continually if the record could not be updated, would be required to appeal the decision and resubmit documentation/information to overtime the appeal on subsequent purchases. The proposed change in the regulation would permit lawful purchasers to request that the NICS maintain documentation/information on the individual in a VAF will be maintained by the NICS for the purpose of preventing the future lengthy delays or denials of a firearm transfer.

The application contained on the VAF brochure will be the means for an individual to request entry into the VAF. This form will be available to the public through Federal Firearm Licensees, state points of contacts for gun checks, and on the NICS website at he internet address: www.fbi.gov/programs/nics/index/htm.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The number of persons requesting entry into the VAF is estimated to be 24,000 individuals. It takes an average of five minutes to read and complete all areas of the application, an estimated two hours for the process of fingerprinting including travel, and 25 minutes to mail the form for a total of two and a half hours estimated burden to the respondent.

(6) *An estimate to the total burden (in hours) associated with the collection:* The number of persons requesting entry into the VAF is estimated to be 24,000 individuals. The time it takes each individual to complete the process is 2.5 hours. The total public burden hours is 24,000 respondents times 2.5 hours which would equal 60,000 total burden hours.

If additional information is required contact Mr. Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 20, 2002.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 02–7169 Filed 3–25–02; 8:45 am]

BILLING CODE 4410–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–043)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Fiber Materials,Inc., of Biddeford, Maine, has applied for a partially exclusive license to practice the invention described in NASA Case No. MSC–23314–1, entitled ''Flexible Multi-Shock Shield,'' for which a U.S. Patent Application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATE(S): Responses to this notice must be received by April 10, 2002.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: March 19, 2002.

Paul G. Pastorek,

General Counsel.

[FR Doc. 02–7240 Filed 3–25–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act; Meeting

TIME AND PLACE: 9:30 a.m., Tuesday, April 2, 2002.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: The two items are open to the public.

MATTERS TO BE CONSIDERED:

7222B Marine Accident Report—Sinking of the U.S. Small Passenger Vessel Miss Majestic in Lake Hamilton, Hot Springs, Arkansas, on May 1, 1999.

7450 Railroad Accident Report—Derailment of Union Pacific Railroad Train QFPLI–26 at Eunice, Louisiana, on May 27, 2000.

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, March 29, 2002.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: March 22, 2002.

Vicky O'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 02–7350 Filed 3–22–02; 2:23 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric & Gas Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of South Carolina Electric & Gas Company (the licensee) to withdraw its May 24, 2001, application for proposed amendment to Facility Operating License No. NPF–12 for the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

The proposed amendment would have revised the technical specifications to include the emergency feedwater system automatic isolation valves into the surveillance requirements.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 8, 2001 (66 FR 41625). However, by letter dated October 30, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 24, 2001, and the licensee's letter dated October 30, 2001, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 20th day of March 2002.

For the Nuclear Regulatory Commission.

Gordon E. Edison, Sr.

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–7217 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Renewal Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: This notice is to announce the renewal of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) for a period of two years.

SUPPLEMENTARY INFORMATION: The U. S. Nuclear Regulatory Commission (NRC) has determined that the renewal of the charter for the Advisory Committee on the Medical Uses of Isotopes for the two year period commencing on March 20, 2002 is in the public interest, in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act, after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the ACMUI is to provide advice to NRC on policy and technical issues that arise in regulating the medical use of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on current and proposed NRC regulations and regulatory guidance concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; and evaluating training and experience of proposed authorized users. The members are involved in preliminary discussions of major issues in determining the need for changes in NRC policy and regulation to ensure the continued safe use of byproduct material. Each member provides technical assistance in his/her specific area(s) of expertise, particularly with respect to emerging technologies. Members also provide guidance as to NRC's role in relation to the responsibilities of other Federal agencies as well as of various professional organizations and boards.

Members of this Committee have demonstrated professional qualifications and expertise in both scientific and non-scientific disciplines including nuclear medicine; nuclear cardiology; radiation therapy; medical physics; radiopharmacy; State medical regulation; patient's rights and care; health care administration; medical research; medical dosimetry, and Food and Drug Administration regulation.

FOR FURTHER INFORMATION PLEASE CONTACT: Angela Williamson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone (301) 415–5030.

Dated: March 20, 2002.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 02–7216 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

Agency Holding The Meeting: Nuclear Regulatory Commission.

Date: Weeks of March 25, April 1, 8, 15, 22, 29, 2002.

Place: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

Status: Public and Closed.

Matters To Be Considered:

Week of March 25, 2002

Monday, March 25, 2002

1:00 p.m. Discussion of Intergovernmental Issues (Closed—Ex. 1)

Week of April 1, 2002—Tentative

There are no meetings scheduled for the Week of April 1, 2002

Week of April 8, 2002—Tentative

Friday, April 12, 2002

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of April 15, 2002—Tentative

There are no meetings scheduled for the Week of April 15, 2002

Week of April 22, 2002—Tentative

There are no meetings scheduled for the Week of April 22, 2002

Week of April 29, 2002—Tentative

Tuesday, April 30, 2002

9:30 a.m. Discussion of Intergovernmental Issues (Closed)

Wednesday, May 1, 2002

8:55 a.m. Affirmation Session (Public meeting), (If needed)

9:00 a.m. Briefing on Results of Agency Action Review Meeting—Reactors, (Public Meeting), (Contact: Robert Pascarelli, 301–415–1245)

This meeting will be webcast live at the Web address—*www.nrc.gov.*

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

* * * * *

Additional Information:

By a vote of 5–0 on March 19 and 20, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Final Rule on Revision of the Skin Dose Limit, 10 CFR part 20'' be held on March 20, and on less than one week's notice to the public.

By a vote of 5–0 on March 20, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Security Issues (Closed—Ex. 1)'' be held on March 22, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: March 21, 2002.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 02–7318 Filed 3–22–02; 11:47 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Reactor Pressure Vessel Head Degradation and Reactor Coolant Pressure Boundary Integrity Issue

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Bulletin (BL) 2002–01 to all holders of operating licenses for pressurized-water nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor pressure vessel. It addresses the recent discovery of degradation in the reactor pressure vessel head at the Davis-Besse Nuclear Power Station and the concerns this has raised about the structural integrity of the reactor coolant pressure boundary throughout the pressurized-water reactor (PWR) industry. The purpose of the bulletin is to require PWR licensees to submit (1) information related to the integrity of the reactor coolant pressure boundary including the reactor pressure vessel head, at their respective facilities, and the extent to which inspections have been undertaken to satisfy applicable regulatory requirements, and (2) the basis for concluding that their plants satisfy applicable regulatory requirements related to the structural integrity of the reactor coolant pressure boundary and future inspections will ensure continued compliance with applicable regulatory requirements. This information is necessary to permit the assessment of plant-specific compliance with NRC regulations. The information will also be used by the NRC staff to determine the need for and to guide the development of additional regulatory actions to address reactor coolant pressure boundary integrity.

DATES: The bulletin was issued on March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Karwoski, at (301) 415–2752 or by e-mail to *kjk1@nrc.gov.*

SUPPLEMENTARY INFORMATION: Bulletin 2002–01 may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* The ADAMS Accession No. for the bulletin is ML020770497.

If you do not have access to ADAMS or if there are problems in accessing documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 301–415–4737 or 1–800–397–4209, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 19th day of March 2002.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–7218 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25467; 812–12214]

Bear Stearns Funds, et al.; Notice of Application

March 20, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(c), 12(d)(1)(J), and 17(b) of the Investment Company Act of 1940 (''Act'') for exemptions from sections 12(d)(1)(A) and (B) and 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 thereunder to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order to permit (a) certain registered investment companies to pay an affiliated lending agent a fee based on a share of the revenue derived from securities lending activities; (b) the registered investment companies to use uninvested cash (''Uninvested Cash'') and cash collateral from securities lending transactions (''Cash Collateral'') to purchase shares of certain money market funds; and (c) the registered investment companies to lend portfolio securities to affiliated broker-dealers.

APPLICANTS: The Bear Stearns Funds (''BSF''), Bear, Stearns & Co. Inc. (''Bear Stearns''), Bear Stearns Securities Corp. (''BSSC''), Bear Stearns Asset Management Inc. (''BSAM''), Bear Stearns Funds Management Inc. (''BSFM''), and Custodial Trust Company (''CTC'').

FILING DATES: The application was filed on August 9, 2000 and amended on March 15, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 15, 2002, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants: c/o Jay G. Baris, Kramer Levin Naftalis & Frankel LLP, 919 Third Avenue, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 942–0614, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. BSF is a Massachusetts business trust registered under the Act as an open-end management investment company. BSF currently consists of 12 separate portfolios (together with future series, the ''Portfolios'') with varying investment objectives and management policies, one of which is the Prime Money Market Portfolio (''PMMP''), a money market fund that complies with the requirements of rule 2a–7 under the Act. BSAM, a wholly owned subsidiary of The Bear Stearns Companies, Inc. (''BSCI''), is registered as an investment adviser under the Investment Advisers Act of 1940. BSAM serves as each Portfolio's investment adviser. BSFM, a wholly owned subsidiary of BSCI, serves as each Portfolio's administrator. Bear Stearns, an affiliate of BSAM, serves as each Portfolio's distributor.

2. CTC, a wholly owned subsidiary of BSCI, serves as custodian of each of the existing Portfolios (other than the Emerging Markets Debt Portfolio) and as lending agent with BSSC, a wholly owned subsidiary of BSCI (each of CTC and BSSC, the ''Lending Agent''). BSSC is a broker-dealer registered under the Securities Exchange Act of 1934.

3. Applicants request that any relief granted pursuant to the application also apply to (a) any other registered investment company or series thereof for which BSAM or any person controlling, controlled by or under common control with BSAM (included in the term ''BSAM'') now or in the future serves as investment adviser (such investment company or series thereof included in the term ''Portfolio''), (b) any other broker-dealer now or in the future controlling, controlled by or under common control with BSSC (together with BSSC, ''Affiliated Broker-Dealers''), and (c) any investment entity excluded from the definition of investment company under section 3(c)(1) or section 3(c)(7) of the Act, advised by BSAM, and established for the purpose of investment of Cash Collateral in connection with the securities lending program described below (each, a ''PIF'').[1] Each PIF will comply with the requirements of rule 2a–7 under the Act.

4. CTC currently administers a securities lending program (''Lending Program'') pursuant to a securities lending policy with the respective Portfolios that participate in the securities lending program (the ''Lending Portfolios''). Each Lending Portfolio is permitted by its investment policies to lend its portfolio securities, and its prospectus or statement of additional information will disclose that it may engage in portfolio securities lending. BSF's Board of Trustees (the ''Board''), including a majority of the trustees who are not interested persons within the meaning of section 2(a)(19) of the Act (''Disinterested Trustees''), have approved BSF's participation in the Lending Program, and will monitor the Lending Program on an ongoing basis.

5. Under the Lending Program, the Lending Agent will enter into agreements (''Securities Loan Agreements'') with certain entities (''Borrowers'') that wish to borrow portfolio securities owned by the respective Lending Portfolios. The Securities Loan Agreements will require that loans be continuously secured by collateral equal at all times to at least the market value of the securities loaned. Collateral for such loans may include Cash Collateral or other collateral, such as U.S. government securities.

6. Under the Lending Program, the Lending Agent will be responsible for soliciting Borrowers for each Lending Portfolio's securities, monitoring daily the value of the loaned securities and collateral, and requesting Borrowers to add to the collateral when required by the Securities Loan Agreements. The Lending Agent may manage Cash Collateral only in accordance with specific parameters established by a Lending Portfolio. These guidelines include permissible investment of Cash

[1] All existing entities that currently intend to rely on the requested relief have been named as applicants. All existing entities currently intending to rely on the requested order have been named as applicants.

Collateral as well as a list of eligible types of investments.[2]

7. With respect to securities loans that are collateralized by assets other than cash, the Lending Portfolio involved will receive a loan fee paid by the Borrower equal to a percentage of the market value as specified in the applicable Securities Loan Agreement. With respect to securities loans collateralized by cash, the Borrower will be entitled to receive a fixed Cash Collateral fee based on the amount of cash held as collateral. The Lending Portfolio in such a case will be compensated on the spread between the net amount earned on the investment of the Cash Collateral and the Borrower's Cash Collateral Fee.

8. Portfolios may have Uninvested Cash that comes from a variety of sources, including dividend or interest payments received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of portfolio securities to meet anticipated redemptions, as well as new monies received from investors.

9. The applicants request relief to permit: (a) The Lending Portfolios to pay the Lending Agent a fee based on a share of the revenue derived from securities lending activities; (b) the Portfolios to use Cash Collateral and Uninvested Cash (together, ''Cash Balances'') to purchase shares of PMMP, PIFs and any future registered open-end management investment company that complies with rule 2a–7 under the Act (together with PMMP, ''Money Market Funds''); and (c) the Lending Portfolios to lend portfolio securities to Affiliated Broker-Dealers.

Applicants' Legal Analysis

A. Payment of Lending Agent Fees

1. Section 17(d) of the Act and Rule 17d–1 thereunder prohibit any affiliated person of or principal underwriter for a registered investment company or any affiliated person of such person or principal underwriter, acting as principal, from effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan, in which the investment company participates unless the Commission has approved the transaction. Section 2(a)(3) of the Act defines an affiliated person of another person to include any person directly or indirectly controlling or controlled by, or under common control with, such other person. Applicants state that CTC and BSAM are wholly owned subsidiaries of BSCI, and therefore CTC may be deemed to be an affiliated person of BSAM, the investment adviser for each Lending Portfolio. Because a fee arrangement between a Lending Agent and a Lending Portfolio, under which compensation is based on a percentage of the revenue generated by securities lending transactions, may be a joint enterprise or other joint arrangement or profit sharing plan within the meaning of section 17(d) and rule 17d–1, applicants request an order to permit each Lending Portfolio to pay, and the Lending Agent to accept, such fees in connection with services provided by the Lending Agent to a Lending Portfolio.

2. Applicants state that each Lending Portfolio will adopt the following procedures to ensure that the proposed fee arrangement and the other terms governing the relationship with CTC or BSSC, as Lending Agent, will meet the standards of rule 17d–1 under the Act:

(a) In connection with the approval of CTC or BSSC as Lending Agent for a Lending Portfolio and implementation of the proposed fee arrangement, a majority of the Board, including a majority of Disinterested Trustees, will determine that (i) the contract with the Lending Agent is in the best interests of the Lending Portfolio and its shareholders, (ii) the services to be performed by the Lending Agent are appropriate for the Lending Portfolio, (iii) the nature and quality of the services provided by the Lending Agent are at least equal to those provided by others offering the same or similar services for similar compensation, and (iv) the fees for the Lending Agent's services are fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality.

(b) Each Lending Portfolio's contract with CTC or BSSC for lending agent services will be reviewed annually and will be approved for continuation only if a majority of the Board (including a majority of the Disinterested Trustees) makes the findings referred to in paragraph (a) above.

(c) In connection with the initial implementation of the proposed fee arrangement whereby CTC or BSSC will be compensated as Lending Agent based on a percentage of the revenue generated by a Lending Portfolio's participation in the Lending Program, the Board will obtain competitive quotes with respect to lending agent fees from at least three independent lending agents to assist the Board in making the findings referred to paragraph (a) above.

(d) The Board, including a majority of the Disinterested Trustees, will (i) determine at each regular quarterly meeting that the loan transactions during the prior quarter were effected in compliance with the conditions and procedures set forth in the application and (ii) review no less frequently than annually the conditions and procedures set forth in the application for continuing appropriateness.

(e) Each Lending Portfolio will (i) maintain and preserve permanently in an easily accessible place a written copy of the procedures and conditions (and modifications thereto) described in the application and (ii) maintain and preserve for a period of not less than six years from the end of the fiscal year in which any loan transaction pursuant to the Lending Program occurred, the first two years in an easily accessible place, a written record of each such loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, the terms of the loan transaction, and the information or materials upon which the determination was made that each loan was made in accordance with the procedures set forth above and the conditions to the application.

B. Investment of Cash Balances in Money Market Funds and PIFs

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company representing more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or, together with the securities of other investment companies, more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person or transaction from any provision of section 12(d)(1) if, and to the extent that, the exemption is consistent with the public interest and the protection of investors.

2. Applicants request an exemption under section 12(d)(1)(J) to permit each

[2] The personnel who will provide day-to-day lending agency services to the Lending Portfolios do not and will not provide investment advisory services to the Lending Portfolios, or participate in any way in the selection of the portfolio securities or other aspects of the management of the Lending Portfolios.

Portfolio to use Cash Balances to acquire shares of the Money Market Funds in excess of the limits imposed by section 12(d)(1)(A), and the Money Market Funds to sell its shares to the Portfolios in excess of the percentage limits in section 12(d)(1)(B).

3. Applicants state that none of the abuses meant to be addressed by sections 12(d)(1)(A) and (B) of the Act are created by the proposed investment of Cash Balances in PMMP. Applicants state that the arrangement will not result in an inappropriate layering of fees because PMMP will not charge a sales load, redemption fee, asset-based sales charge or service fee (as defined in rule 2830(b)(9) of the National Association of Securities Dealers, Inc. Conduct Rules (''NASD Conduct Rules'')), or if such shares are subject to any such fees, BSAM will waive its advisory fee for each Portfolio in an amount that offsets the amount of such fees incurred by the Portfolios. In addition, before approving any advisory contract for a Portfolio, the Board, including a majority of the Disinterested Trustees, will consider the extent to which the advisory fees charged to the Portfolio by BSAM should be reduced or waived to account for reduced services provided to the Portfolio by BSAM as a result of Uninvested Cash being invested in PMMP or PIF. If PMMP offers more than one class of shares, each Portfolio will invest its Cash Balances only in the class with the lowest expense ratio at the time of investment. Neither PMMP nor any PIF whose shares are acquired by a Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A).

4. Sections 17(a)(1) and (2) of the Act prohibit an affiliated person of a registered investment company, or any affiliated person of the affiliated person, acting as principal, from selling any security to, or purchasing any security from, the registered investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, among other things, any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person or any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state that to the extent that a Portfolio owns 5% or more of the voting securities of PMMP or PIF, PMMP or PIF could be deemed to be an affiliated person of the Portfolio. In addition, to the extent that the Portfolios, PMMP and PIF share a common investment adviser and the Portfolios and PMMP share a common Board, applicants state that the Portfolios, PMMP and PIF may be considered to be under common control and therefore be affiliated persons. As a result, section 17(a) may prohibit the sale of shares of PMMP or PIF to a Portfolio, and the redemption of such shares by PMMP or PIF from the Portfolio.

5. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

6. Applicants request an order under sections 6(c) and 17(b) of the Act to permit the Portfolios to use Cash Balances to purchase shares of PMMP or PIF and to permit the redemption of the shares. Applicants maintain that the terms of the proposed transaction are reasonable and fair because the Portfolios will purchase and sell shares of PMMP or PIF on the same terms and on the same basis as other shareholders. Applicants assert that the proposed transactions comply with each Portfolio's investment restrictions and policies. Applicants further state that the investment of Cash Collateral in PMMP or a PIF will comply with all present and future Commission and staff positions concerning securities lending. Applicants also state that the PIFs will comply with the major substantive provisions of the Act, including the prohibitions against affiliated transactions, leveraging and issuing senior securities, and rights of redemption.

7. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit joint transactions involving registered investment companies and their affiliates unless the Commission has approved the transaction. Applicants state that the Portfolios, BSAM (by managing assets of the Portfolios and PIFs), and PMMP or a PIF (by selling shares to and redeeming shares from the Portfolios) may be deemed to be participants in a joint enterprise or arrangement within the meaning of section 17(d) and rule 17d–1. Applicants request an order pursuant to section 17(d) and rule 17d–1 to permit the described transactions relating to investments of Cash Balances in PMMP or PIFs. For the reasons discussed above, applicants believe that the proposed transactions meet the standards of rule 17d–1.

C. Lending to Affiliated Broker-Dealers

1. Section 17(a)(3) of the Act makes it unlawful for any affiliated person of or principal underwriter for a registered investment company, to borrow money or other property from the registered investment company. Applicants state that because an Affiliated Broker-Dealer may be deemed to be a person under common control with BSAM, an Affiliated Broker-Dealer may be considered an affiliated person, or a second-tier affiliate, of a Lending Portfolio. Accordingly, section 17(a)(3) would prohibit the Affiliated Broker-Dealers from borrowing securities from the Lending Portfolios.

2. As noted above, section 17(d) and rule 17d–1 generally prohibit joint transactions involving registered investment companies and their affiliates unless the Commission has approved the transaction. Applicants request relief under sections 6(c) and 17(b) of the Act exempting them from section 17(a)(3), and under section 17(d) and rule 17d–1 to permit the Lending Portfolios to lend portfolio securities to Affiliated Broker-Dealers.

3. Applicants state that each loan to an Affiliated Broker-Dealer by a Lending Portfolio will be made with a spread that is no lower than that applied to comparable loans to unaffiliated broker-dealers.[3] In this regard, applicants state that at least 50% of the loans made by the Lending Portfolios, on an aggregate basis, will be made to unaffiliated Borrowers. Moreover, all loans will be made with spreads that are no lower than those set forth in a schedule of spreads established by the Board, including a majority of the Disinterested Trustees, and all transactions with Affiliated Broker-Dealers will be reviewed periodically by an officer of the Lending Portfolio. The Board, including a majority of the Disinterested Trustees, also will review quarterly reports on all lending activity.

[3] A ''spread'' is the compensation earned by a Lending Portfolio from a securities loan, which compensation is in the form either of a lending fee payable by the Borrower ot the Lending Portfolio (when non-cash collateral is posted) or of the excess retained by the Lending Portfolio over a rebate rate payable by the Lending Portfolio to the Borrower (when Cash Collateral is posted and then invested by the Lending Portfolio).

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. General

1.Each Portfolio, Money Market Fund and PIF that relies on the requested order will be advised by BSAM.

2. The securities lending program of each Lending Portfolio will comply with all present and future applicable Commission and staff positions regarding securities lending arrangements.

3. Before a Lending Portfolio may participate in the Lending Program, a majority of the Board, including a majority of the Disinterested Trustees, will approve the Lending Portfolio's participation in the Lending Program. The Board will evaluate the Lending Program and its results no less frequently than annually and a majority of the Board, including a majority of the Disinterested Trustees, will determine that investing Cash Collateral in PMMP or a PIF is in the best interests of the shareholders of the Lending Portfolio.

B. Investment of Cash Balances in PMMP and PIF

1. The shares of PMMP or a PIF sold to and redeemed from the Portfolios will not be subject to a sales load, redemption fee, asset-based sales charge, or service fees (as defined in the NASD Conduct Rules).

2. If BSAM collects a fee from PMMP or a PIF for acting as its investment adviser with respect to assets invested by a Portfolio, before the next meeting of the Board on behalf of the Portfolio is held for the purpose of voting on an advisory contract under section 15 of the Act, BSAM will provide the Board with specific information regarding the approximate cost to BSAM for, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Portfolio that can be expected to be invested in PMMP or the PIF. Before approving any advisory contract under section 15, the Board, on behalf of the Portfolio, including a majority of the Disinterested Trustees, shall consider to what extent, if any, the advisory fees charged to the Portfolio by BSAM should be reduced to account for the fee indirectly paid by the Portfolio because of the advisory fee paid by PMMP or a PIF to BSAM. The minute books of each Portfolio will record fully the Board's considerations in approving the advisory contract, including the considerations relating to the fees referred to above.

3. Each of the Portfolios will invest Uninvested Cash in, and hold shares of, PMMP and PIFs only to the extent that the Portfolio's aggregate investment of Uninvested Cash in PMMP and PIF does not exceed 25% of the Portfolio's total assets. For purposes of this limitation, each Portfolio or series thereof will be treated as a separate investment company.

4. Investment in shares of PMMP and PIFs will be in accordance with each Portfolio's respective investment restrictions and policies as set forth in its prospectus and statement of additional information.

5. Neither PMMP nor any PIF will acquire securities of any investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

6. A majority of the Board of a Portfolio, including a majority of the Disinterested Trustees of such Portfolio, will initially and at least annually thereafter, determine that investment of Uninvested Cash in shares of PMMP or a PIF is in the best interests of the shareholders of the Portfolio.

7. A Portfolio's Uninvested Cash will be invested in PMMP or a PIF only if PMMP or the PIF invests solely in the types of instruments that the Portfolio has authorized for the investment of its Uninvested Cash.

8. Each PIF in which a Portfolio invests will comply with rule 2a–7 under the Act. Each PIF will value its shares, as of the close of business on each business day, using the amortized cost method to determine its net asset value per share. BSAM, as the managing member of the PIF, will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and BSAM will take such other actions as are required to be taken pursuant to such procedures. A Portfolio may purchase shares of a PIF only if BSAM determines on an ongoing basis that the PIF is operating as a money market fund in compliance with rule 2a–7. BSAM will preserve for a period of not less than six years from the date of determination, the first two years in an easily accessible place, a record of such determination and the basis upon which the determination was made. This record will be subject to examination by the Commission and the Staff .

9. Each PIF in which a Portfolio invests will comply with sections 17(a), (d) and (e) and 18 of the Act as if the PIF were an open-end registered investment company. With respect to all redemption requests made by a Portfolio, the PIF will comply with section 22(e) of the Act. BSAM, as managing member, will adopt procedures designed to ensure that the PIF complies with sections 17(a), (d) and (e), 18 and 22(e) of the Act. BSAM will also periodically review and update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and the staff.

10. The net asset value per share of a PIF in which a Portfolio may invest will be determined by dividing the value of the assets belonging to the PIF, less the liabilities of the PIF, by the number of shares of the PIF outstanding.

11. Each Portfolio will purchase and redeem shares of a PIF on the same basis as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis as other shareholders investing in the same PIF. A separate account will be established in the shareholder records of the PIF for the account of each applicable Portfolio.

C. Loans to Affiliated Broker-Dealers

1. The Lending Portfolios, on an aggregate basis, will make at least 50% of their portfolio securities loans to unaffiliated Borrowers.

2. The total value of securities loaned to any one broker-dealer on the approved list of Borrowers of securities from a Lending Portfolio will be in accordance with a schedule to be approved by the Board, but in no event will the total value of securities lent to any one Affiliated Broker-Dealer exceed 10% of the net assets of the Lending Portfolio, computed at market value.

3. A Lending Portfolio will not make any loan to an Affiliated Broker-Dealer unless the income attributable to such loan fully covers the transaction costs incurred in making such loan.

4. (a) All loans will be made with spreads no lower than those set forth in a schedule of spreads which will be established and may be modified from time to time by the Board and by a majority of the Disinterested Trustees (''Schedule of Spreads'').

(b) The Schedule of Spreads will set forth rates of compensation to the Lending Portfolio that are reasonable and fair and that are determined in light of those considerations set forth in the application.

(c) The Schedule of Spreads will be uniformly applied to all Borrowers of the Lending Portfolios' portfolio securities, and will specify the lowest allowable spread with respect to a loan of securities to any Borrower.

(d) If a security is loaned to an unaffiliated Borrower with a spread higher than the minimum set forth in the Schedule of Spreads, all comparable loans to an Affiliated Broker-Dealer will be made at no less than the higher spread.

(e) Each Lending Portfolios' portfolio securities lending program will be monitored on a daily basis by an officer of the Lending Portfolio who is subject to section 36(a) of the Act. This officer will review the terms of each loan to an Affiliated Broker-Dealer for comparability with loans to unaffiliated Borrowers and conformity with the Schedule of Spreads, and will periodically, and at least quarterly, report his or her findings to the Board, including a majority of the Disinterested Trustees.

5. The Board, including a majority of the Disinterested Trustees, (a) will determine no less frequently than quarterly that all transactions with Affiliated Broker-Dealers effected during the preceding quarter were effected in compliance with the requirements of the procedures adopted by the Board and the conditions of this order if granted and that such transactions were conducted on terms which were reasonable and fair; and (b) will review no less frequently than annually such requirements and conditions for their continuing appropriateness.

6. The Lending Portfolios will maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) which are followed in lending securities and shall maintain and preserve for a period of not less than six years from the end of the fiscal year in which any loan occurs, the first two years in an easily accessible place, a written record of each loan setting forth the number of shares loaned, the face amount of the securities loaned, the fee received (or the rebate rate remitted), the identity of the borrower, the terms of the loan and any other information or materials upon which the finding was made that each loan made to an Affiliated Broker-Dealer was fair and reasonable and that the procedures followed in making such loan were in accordance with the procedures and the other undertakings set forth herein.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–7167 Filed 3–25–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45593; File No. SR–GSCC–2001–08]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Revising Margin Factor and Offset Class Schedules

March 19, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 11, 2001, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared primarily by GSCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change refines GSCC's ''margin factor and offset class schedules'' and ''disallowance percentage schedules.''

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by GSCC.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC netting members are required to maintain deposits in a clearing fund account. Each member's required deposit is calculated daily to ensure that enough funds are on hand to cover the risks associated with that member's activities. GSCC calculates the margin amount on a member's net settlement positions using factors (percentages) that are based on an assessment of historical daily price volatility data. In order to give ''credit'' for offsetting net settlement positions to the extent appropriate, GSCC established offset classes for securities of varying maturity and disallowance percentages among those different offset classes.

As a result of GSCC's ongoing monitoring of its risk management processes, GSCC has determined to refine its ''margin factor and offset class schedules'' and its ''disallowance percentage schedules'' to take into account (i) its growing business in non-mortgage-backed agency securities (''Agencies'') and in mortgage-backed agency securities (''MBS''),[3] (ii) potential differences in price volatility between its regular settlement services (''DVP service'') and its GCF Repo service, and (iii) the recent establishment of a daily data feed from GSCC's clearing banks that provides GSCC with accurate information regarding the specific securities which its members deliver against generic CUSIP numbers established for the GCF Repo service.

In the revised margin factor and offset class schedules, GSCC has established a different margin factor for MBS. Although it has retained the same margin factors for Agencies as it uses for Treasury securities,[4] the format of the new schedules will enable GSCC to more easily establish different margin factors for Agencies in the future if the need arises. The clearing bank data feed now permits GSCC to classify each security settled in the GCF Repo service according to its true remaining maturity instead of requiring GSCC to categorize each security as if it had the longest remaining maturity of all the securities within the same generic CUSIP number. It should be noted that for the present

[3] Mortgage-backed agency securities are only processed in the GCF Repo service at GSCC and not in GSCC's regular services.

[4] Price volatility studies indicate that there is currently no need to establish different margin factors for Treasuries and Agencies. GSCC monitors price volatility on an ongoing basis.

time, GSCC has assigned the same conservative margin factor to all MBS.

In the revised margin factor and offset class schedules, GSCC has segregated (i) Treasury securities settled in the DVP service, (ii) Treasury securities settled in the GCF Repo service, (iii) Agencies settled in the DVP service, (iv) Agencies settled in the GCF Repo service, and (v) MBS settled in the GCF Repo service into separate offset classes.

The revised disallowance percentage schedules provide for offsets among the different offset classes. These schedules take into account the increasing volatility in the interest rate spreads between Treasury securities and Agencies. The schedules also permit offsets between MBS on the one hand and Treasury securities and Agencies on the other. It should be noted that these offsets are based on a more conservative model than GSCC uses with respect to other securities it processes because it assumes that GSCC would need an extra business day to liquidate pools of securities and to correct for model risk that is inherent in MBS.

GSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it will enable GSCC to modify its margining and offsetting schedules to promote a more prudent and accurate margining process.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rules changes will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. Members will be notified of the rule change filing and comments will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of section 17A(b)(3)(F).[5] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible. The Commission believes that the revised margin factor and offset class schedules enables GSCC to promote a more accurate margining process. As such, the Commission believes GSCC's proposal is consistent with its obligation to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible.

GSCC has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of the notice of the filing. The Commission finds good cause for approving the rule change prior to the thirtieth day after publication because such approval will allow GSCC to immediately employ the revised schedules in its daily margin calculations.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–2001–08 and should be submitted by April 16, 2002.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR–GSCC–2001–08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–7168 Filed 3–25–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C 78q–1(b)(3)(F).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 25, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Requests from borrowers (Financial Statement).

No: 770.

Frequency: On Occasion.

Description of Respondents: SBA Borrower's or guarantor's who request a compromise.

Responses: 5,000.

Annual Burden: 5,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–7242 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 25, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Servicing Agent Agreement.

No: 1506.

Frequency: On Occasion.

Description of Respondents: Certified Development Companies and SBA Borrower's.

Responses: 4,200.

Annual Burden: 4,200.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–7243 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Region X Regulatory Fairness Board; Public Federal Regulatory Enforcement Fairness Roundtable

The Small Business Administration Region X Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Roundtable on Thursday, April 4, 2002 at 9:00 a.m. at the Portland Development Commission, 1900 SW 4th Avenue, Room 2500–A, Portland, OR 97201, phone (503) 823–3210, fax (503) 823–3368, to provide small business owners and representatives of trade associations with an opportunity to share information concerning the federal regulatory enforcement and compliance environment.

Anyone wishing to attend or to make a presentation must contact Don Matsuda in writing or by fax, in order to be put on the agenda. Don Matsuda, U.S. Small Business Administration, Portland District Office, 1515 S. W. Fifth Avenue, Suite 1050, Portland, OR 97201, phone (503) 326–5221, fax (503) 326–5103, e-mail: *donald.matsuda@sba.gov.*

For more information, see our Web site at *www.sba.gov/ombudsman.*

Dated: March 19, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–7150 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Region X Regulatory Fairness Board; Public Hearing

The Small Business Administration Region X Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Hearing on Tuesday, April 2, 2002 at 9:30 a.m. at the SBA District Office, Business Enterprise Center, 1200 Sixth Avenue, Park Place Building, Suite 1700, Seattle, WA 98101, Phone (206) 553–7342, fax (206) 553–7066, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning the regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Julie J. McFarlane in writing or by fax, in order to be put on the agenda. Julie J. McFarlane, U.S. Small Business Administration, Seattle District Office, 1200 Sixth Avenue, Park Place Building, Suite 1700, Seattle, WA 98101, Phone (206) 553–7342, fax (206) 553–7066, e-mail: *Julie.mcfarlane@sba.gov.*

For more information, see our Web site at *www.sba.gov/ombudsman.*

Dated: March 19, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–7151 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3953]

M/DGHR/MED/EX; 60-Day Notice of Proposed Information Collection: Form DS–1622, Medical History and Examination for Foreign Service—For Children 11 Years and Under; Form DS–1843, Medical History and Examination for Foreign Service—For Persons 12 Years and Over; (OMB# 1405–0068)

ACTION: Notice.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of the notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

Type of Request: Extension of a current collection.

Originating Office: Office of Medical Services, M/DGHR/MED.

Title of Information Collection: Medical History and Examination for Foreign Service—For Children 11 years and Under; Medical History and Examination for Foreign Service—For Persons 12 Years and Over.

Frequency: Biennially.

Form Number: DS–1622 and DS–1843.

Respondents: Candidates for Foreign Service Positions and their Eligible Family Members.

Estimated Number of Respondents: 12,000.

Average Hours Per Response: One Hour.

Total Estimated Burden: 12,000 hours.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Public comments, or requests for additional information regarding the collection listed in this notice should be directed to John A. Triplett, M.D., Office of Medical Services, 2401 E Street, NW., Room 201, U.S. Department of State, Washington, DC 20520.

Dated: March 11, 2002.

Maria C. Melchiorre,

Acting Executive Director, Office of Medical Services, Department of State.

[FR Doc. 02–7239 Filed 3–25–02; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–11237]

Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0596 and 2115–0597

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded two Information Collection Reports (ICRs) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before April 25, 2002.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2001–11237] more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. (b) OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Docket Management Facility at 202–493–2251 or (b) OIRA 202–395–7285, attention: Desk Officer for the Coast Guard.

(4)(a) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* (b) OIRA does not have a Web site on which you can post your comments.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

Copies of the complete ICRs are available for inspection and copying in public dockets. Copies are available in docket USCG 2001–11237 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [66 FR 64336 (December 12, 2001)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2001–11106. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

1. *Title:* Claims Under the Oil Pollution Act of 1990.

OMB Control Number: 2115–0596.

Type of Request: Extension of a currently approved collection.

Affected Public: Claimants and responsible parties of oil spills.

Forms: This collection of information does not require the public to fill out forms, but does require the public to provide initial information in writing. Follow-up information, if necessary, may be provided by letter, fax or e-mail.

Abstract: The Coast Guard will use the information collected to determine whether claims submitted to the Oil Spill Liability Trust Fund are compensable and, if they are, to ensure that the Fund reimburses them in the correct amounts.

Annual Estimated Burden Hours: The estimated burden is 13,722 hours a year.

2. *Title:* State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990.

OMB Control Number: 2115–0597.

Type of Request: Extension of a currently approved collection.

Affected Public: State Governments.

Forms: This collection of information does not require the public to fill out Coast Guard forms, but does require the public to provide information in writing.

Abstract: The Coast Guard will use information provided by the State to the Coast Guard National Pollution Funds Center to determine whether expenditures submitted by the State to the Fund are compensable and, if they are, to ensure payment of the correct amount of funding from the Oil Spill Liability Trust Fund.

Annual Estimated Burden Hours: The estimated burden is 3 hours a year.

Dated: March 20, 2002.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 02–7231 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2002–11893]

Review of Boating Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: The Coast Guard is conducting a comprehensive review of current boating safety regulations in three stages. These stages correspond with sequential meetings of the National Boating Safety Advisory Council (NBSAC). This notice requests comments for the second stage, involving manufacturer requirements to prevent drownings. We will provide NBSAC members with a summary of the comments before the October 2002 meeting and will consider all relevant public comments and NBSAC recommendations in determining which regulations, if any, should be changed.

DATES: Comments and related material for the second stage of the review must reach the Docket Management Facility on or before May 28, 2002.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG–2002–11893), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW, Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.* You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Carlton Perry, Project Manager, Office of Boating Safety, U.S. Coast Guard, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Background and Purpose

NBSAC is an advisory committee created under 46 U.S.C. 13110(a). It advises the Coast Guard on substantive matters of boating safety. Its 21 members come from 3 segments of the boating community: the boating industry; State officials on boating safety; and representatives of national recreational boating organizations and the general public. NBSAC meets twice a year, in the spring and fall. The meetings are open to the public. Under 46 U.S.C. 4302 (c)(4),the Coast Guard must consult NBSAC in the formulation of boating safety regulations.

Past Comprehensive Reviews

In 1981, 1986, 1992, and 1997, we conducted comprehensive reviews of our boating safety regulations in conjunction with a single NBSAC meeting. We asked NBSAC to determine whether the regulations were still necessary, beneficial, cost-effective, and consistent with current technology. These periodic reviews led NBSAC to make numerous recommendations to improve and update specific provisions in the regulations.

Current Comprehensive Review

We are conducting this review in three stages at sequential NBSAC meetings. We published the first notice announcing in the **Federal Register** on August 30, 2001 [66 FR 45791], stating that NBSAC would review regulations of the first stage in April 2002. We will publish notices in the future, requesting comments for the remaining stage, announcing the specific date of the meeting. Each stage will evaluate current boating safety regulations, but will not include any rules under development.

The first review stage includes administrative requirements for manufacturers and importers of recreational vessels (33 CFR part 179 and part 181, subparts B and C) and fire and explosion prevention requirements for manufacturers and importers of recreational vessels (33 CFR part 183, subparts I, J, and K). NBSAC will review these regulations and comments at its April 2002 meeting.

The second review stage includes requirements for manufacturers and importers of recreational vessels to prevent drownings (33 CFR part 183, subparts B, C, D, F, G, H, and L). NBSAC will review these regulations and comments at its October 2002 meeting.

The third review stage includes requirements for operators (33 CFR parts 95, 100, 173, 174, 175, 177 and 46 CFR part 25, subparts 25.30, 25.35 and 25.40, and part 58, subparts 58.03 and 58.10). NBSAC will review these regulations and comments at its April 2003 meeting.

You may find copies of the boating safety regulations at any public library that carries the United States Code of Federal Regulations. You may buy them from the Superintendent, Government Printing Office, telephone: 202–512–2250; facsimile: 202–512–1800. You may also access them on the Internet at URL address *http://www.gpo.gov/nara/cfr.*

Request for Comments

We encourage interested persons from all sectors of the boating community to participate in this second regulatory review stage by submitting comments and related material regarding any changes to the current boating safety regulations, including elimination or revocation of any requirements. If you submit comments, please include your name and address, identify the docket number for this notice (USCG–2002–11893) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

We are especially interested in responses to the following questions:

• *Need*—Is there still a need for the regulation? Is the problem that the regulation was originally intended to solve still a problem?

• *Technical Accuracy*—Has the regulation kept pace with the technological, economic, environmental, or other relevant conditions? Would any particular changes make it more effective in achieving its intended goal?

• *Cost/Benefit*—What are the costs, or other burdens or adverse effects, including impacts on use of energy, of the regulation? What are the benefits of the regulation in terms of personal safety or other values? Do the benefits outweigh the costs?

• *Problems*—Are there any problems or complaints in understanding or complying with the regulation?

• *Alternative*—Are there any nonregulatory ways to achieve the goal of the regulation at a lower cost, lower burden, or adverse effect?

We will summarize all comments received in response to this request during the comment period and will provide a copy of the summary to the NBSAC members for their consideration before the October 2002 meeting. We will consider all relevant comments in the formulation of any changes to the boating safety regulations that may result from this review stage.

Dated: March 20, 2002.

Kenneth T. Venuto,

Rear Admiral, Coast Guard, Director of Operations Policy.

[FR Doc. 02–7234 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Draft Environmental Impact Statement: Marshall and St. Joseph Counties in Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed improvements to US 31 in Marshall and St. Joseph Counties in Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dirks, Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204. Telephone: (317) 226–7492, Fax: (317) 226–7341, e-mail: *robert.dirks@fhwa.dot.gov.*

SUPPLEMENTARY INFORMATION: The FWHA in cooperation with the Indiana Department of Transportation (INDOT) will prepare an EIS to improve the US 31 corridor through Marshall and St. Joseph Counties in Indiana. The proposed corridor is between US 30 near Plymouth and US 20 in South Bend, a distance of about 20 miles.

This project is intended to evaluate various transportation alternatives that would reduce traffic congestion and improve safety on US 31 with minimal impacts to the environment. The project would also provide greater accessibility to north-central Indiana and would accommodate the transportation needs of the growing population and employment of northern Indiana. Along this 20 mile section of US 31, many of the intersections are currently experiencing traffic congestion and travel delay.

FHWA and INDOT will determine the purpose and need for the project, evaluate alternatives that satisfy the needs, describe the affected environment, discuss the environmental consequences regarding the alternatives, while providing agency coordination and public involvement. The project will follow Indiana's Streamlined EIS Procedures, which can be found on their website at *www.fhwa.dot.gov/indiv/procedur.htm.*

Early Coordination letters will be sent to appropriate federal, state, and local agencies describing the proposed action and inviting the agencies to be Participating Agencies in the study. Once the draft purpose and need has been developed and preliminary alternatives identified, the agencies and the public will have an opportunity to review and comment on this information. Agencies and the public will also have an opportunity to comment when the preliminary alternatives have been screened to those carried forward for more detailed environmental evaluation in the Draft Environmental Impact Statement (DEIS).

Upon completion of the DEIS, the DEIS will be available for public review and hearings will also be held. Public notice will be given as to the time and place of the meetings and hearings. Another interagency meeting will be held to offer the opportunity to comment on the preferred alternative and mitigation measures that are recommended.

To ensure that the full range of issues related to this proposed action is addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and this EIS should be directed to the FHWA contact provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to the program).

Authority: 23 USC 315; 49 CFR 1.48.

Issued on: February 22, 2002.

Robert Dirks,

Environmental Specialist, FHWA, Indianapolis, Indiana.

[FR Doc. 02–7227 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2002–11732]

Notice of Request for Renewal of a Currently Approved Information Collection: Financial Responsibility, Trucking and Freight Forwarding

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of FMCSA to request the Office of Management and Budget (OMB) to renew its clearance of the currently approved information collection identified below under Supplementary Information. This information collection provides registered motor carriers, property brokers, and freight forwarders a means of meeting financial security documentation requirements.

DATES: Comments must be submitted on or before May 28, 2002.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted on the Internet by using the universal resource locator (URL) at: *http://dmses.dot.gov/submit,* or by fax to (202) 493–2251. Internet users may view all comments received by the Document Management System (DMS) on the Internet at: *http://dms.dot.gov.* Please follow the instructions online for more information and help. Please include the docket

number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comments are received, you must include a self-addressed, stamped postcard, or you may print the acknowledgement page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Lee, (202) 358–7028, Insurance Compliance Division (MC–ECI), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Financial Responsibility, Trucking and Freight Forwarding.

OMB Number: 2126–0017.

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FMCSA. Registration remains valid only as long as the transportation entities maintain, on file with the FMCSA, evidence of the required levels of insurance coverage pursuant to 49 U.S.C. 13906. Regulations governing financial responsibility requirements are found at 49 CFR 387.

Forms BMC–91, 91X, and 82 provide evidence of the required coverage for bodily injury and property damage (BI&PD) liability. Forms BMC–34 and 83 establish compliance with cargo liability requirements. Forms BMC–84 and 85 are filed by brokers to comply with the requirement for a $10,000 surety bond or trust fund agreement. Forms BMC–35, 36, and 85 cancel prior filings. Forms BMC–90 and 32 are endorsements that must be attached to BI&PD and cargo insurance policies, respectively, but are not filed with the FMCSA.

Motor carriers can also apply to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance or surety bonds with the FMCSA. Form BMC–40 is the application used to apply for self-insurance authority.

Respondents: Motor carriers, freight forwarders, and brokers.

Estimated Average Burden per Response: The estimated average burden per response for the BMC–40 is 40 hours. The estimated average burden per response for each of the other forms (BMC–32, 34, 35, 36, 82, 83, 84, 85, 90, 91, and 91X) is 10 minutes per form.

Estimated Total Annual Burden: The estimated total annual burden is 200 hours for the BMC–40 based on 5 filings per year [5 filings per year × 40 hours to complete = 200]. The estimated total annual burden for all of the other forms described above is 45,025 hours based on 270,152 filings per year [270,152 filings per year × 10 minutes to complete divided by 60 minutes = 45,025 total burden hours]. Therefore, the total burden hour request is 45,225 [200 estimated annual burden hours for the BMC–40 + 45,025 hours for the other forms = 45,225 total burden hours].

Frequency: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with the FMCSA and then when such coverages are replaced. Notices of cancellation are required only when such certificates of insurance, surety bonds or trust fund agreements are canceled. Form BMC–40 is generally filed only when a carrier seeks approval to self-insure its BI&PD and/or cargo liability.

Public Comments Invited: Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of the FMCSA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance for a renewal of this information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended, and 49 CFR 1.73.

Issued on: March 18, 2002.

Joseph M. Clapp,

Administrator.

[FR Doc. 02–7159 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2002–11871]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before May 28, 2002.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Kline, Maritime Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: 202–366–5744; fax: 202–366–7901, or e-mail: *kenneth.kline@marad.dot.gov.*

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Obligation Guarantees—46 CFR part 298, Title XI.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0018.

Form Numbers: MA–163, MA–163A

Expiration Date of Approval: October 31, 2002.

Summary of Collection of Information: In accordance with the Merchant Marine Act, 1936, MARAD is authorized to execute a full faith and

credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing shipyard modernization and improvement projects.

Need and Use of the Information: The information collected is necessary for MARAD officials to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees.

Description of Respondents: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels satisfying criteria under the Merchant Marine Act, as well as businesses interested in shipyard modernization and improvements.

Annual Responses: 21.

Annual Burden: 1470 hours.

By Order of the Maritime Administrator.

Dated: March 19, 2002.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7160 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11872]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LADY CATHERINE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11872. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: LADY CATHERINE. Owner: Felton Havins, Jr.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Twenty-five thousand pounds gross weight, 49.2 Feet Length''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: The vessel is currently located in Amelia Island, Florida and will be use primarily in that part of the coastal southeastern US with occasional transits to the Bahamas. The vessel is principally for my personal use with proposed leasing from time to time to a local sailing school as an instructional vehicle for their advanced/offshore courses. I also anticipate occasional (approximately six times per year) charters for a maximum of six passengers''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1991. Place of construction: France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''LADY CATHERINE is the largest and most fully equipped sailing vessel available in the local six passenger sailing charter market. The local sailing school has no access to any other comparably equipped vessel for their advanced classes of instruction''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''LADY CATHERINE was built in 1991. Therefore, there is no foreseeable negative impact on US shipyards. To the contrary, currently all maintenance and upgrades are being performed locally in US owned/operated shipyards.''

By Order of the Maritime Administrator.

Dated: March 19, 2002.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7162 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11873]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MISTLETOE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the

effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11873. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: MISTLETOE. Owner: Dr. & Mrs. Wesley A. Dunn.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''55 feet loa, beam 16′, depth 5′, Gross Tonnage 29, Net 23''.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Florida Atlantic and Gulf coast Waters to Louisiana including adjacent waters. We plan primarily to do custom cruises for lunch, golf outings, or sunset dinner cruises in an upscale manner with an upper limit of 12 and a Coast Guard Licensed Captain. We would also do overnight trips for no more than 4 passengers with appropriate licensed crew. We would anticipate doing some fishing, should our passengers wish, although we would not consider our yacht a charter fishing boat.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1994. Place of construction: Ping Tong, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''Impact on other local charter boats would be minimal. Charter boat operations in our area are primarily fishing charters involving smaller vessels. There are about 4 large boats that carry 30 or more passengers on daytime and sunset cruises. Neither type operation wold be in competition with our low volume, high-end market.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''this waiver would have no impact on US shipyards. We have been using US ship yards for our yearly haul outs, maintenance and repairs.''

Dated: March 19, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7161 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11874]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TRADEWINDS.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11874. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement:

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: Tradewinds. Owner: Jay Hill, Daniel Tingley and Pam Tingley.

(2) Size, capacity and tonnage of vessel. *According to the applicant: ''Size of vessel:* 37.9′, *Capacity of Vessel:* 14 Net Tons or 32 persons, *Tonnage of Vessel:* 18 Gross Tons''.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* ''*Intended use for this vessel is three-fold as follows:* (1) Local knowledge indoctrination sailings from Kemah, Texas (Clear Lake) to Galveston, Texas (Galveston Island) including day sailing in the Gulf of Mexico coastal region not to exceed 20 miles offshore for hire with not more than four passengers. This indoctrination is designed to allow aspiring sailors who have participated in sail training programs, to move from inland waters to coastal and near-coastal environments with the advantage of experienced Captain and Crew aboard. (2) Sail training for American Sailing Association and US sailing Keelboat Certification Systems in the Gulf of Mexico and neighboring coastal waters including offshore passage making from Galveston Bay to Florida, Maine, Bahamas, and limited areas of Mexico * * * (3) Owners' personal recreational use.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1977. *Place of construction:* Tamsui Taipei Hsien, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''This waiver will allow an additional Uninspected Passenger Vessel to begin operations in the Galveston Bay area. Due to the targeted customer base, the only impacts we can foresee in the use of this vessel is its addition to the water traffic in the Clear Lake (Kemah Inlet) and Galveston Bay (Houston Ship Channel) waterways, and the addition of a Captained Charter Vessel in the area. After extensive research, we have found that existing operators are of the following types: (1) Inspected vessels that conduct short-duration bay cruises for hire, (2) inspected vessels that conduct guided fishing excursions, dinner cruises, or special event cruises for hire, (3) uninspected vessels that conduct near-shore sail training in the Galveston Bay direct regional area, (4) uninspected charter vessels where customers may hire a Captain to operate the vessel. We feel our niche in the market will not adversely affect any of the above operators.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''This waiver for a single uninspected vessel with a passenger limit of six passengers will not adversely impact U.S. shipyards in that U.S. shipyards currently build/manufacture large quantities of vessels capable of performing the same intended uses listed in (3) above. No attempt to broker, endorse, sell, or advertise the vessel type and manufacturer in this waiver is intended nor will it be made. We simply enjoy the vessel and wish to use it in our business.''

Dated: March 19, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7163 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Eighth Quarterly Meeting of the Crash Injury Research and Engineering Network (CIREN)

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Eighth Quarterly Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at ten Level 1 Trauma Centers linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATES AND TIMES: The meeting is scheduled from 9 a.m. to 5 p.m. on Thursday, April 25, 2002.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation headquarters, 400 Seventh Street, SW, Room 2230, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. CIREN cases may be viewed from the NHTSA/CIREN web site at: *http://www-nrd.nhtsa.dot.gov/include/bio_and_trauma/ciren-final.htm.* NHTSA has held three Annual Conferences where CIREN research results were presented. Further information about the three previous CIREN conferences is also available through the NHTSA website. NHTSA held the first quarterly meeting on May 5, 2000, with a topic of lower extremity injuries in motor vehicle crashes; the second quarterly meeting on July 21, 2000, with a topic of side impact crashes; the third quarterly meeting on November 30, 2000, with a topic of thoracic injuries in crashes; the fourth quarterly meeting on March 16, 2001, with a topic of offset frontal collisions; the fifth quarterly meeting on June 21, 2001, on CIREN outreach efforts; the sixth quarterly meeting (held in Ann Arbor, Michigan) with a topic of injuries involving sport utility vehicles, and the seventh quarterly meeting on December 6, 2001, with a topic of Age Related Injuries (Elderly and Children). Presentations from these meetings are available through the NHTSA website.

NHTSA plans to continue holding quarterly meetings on a regular basis to disseminate CIREN information to interested parties. This is the eighth such meeting. The topic for this meeting is Brain and Traumatic Head Injuries. Subsequent meetings have tentatively been scheduled for August 2002 and December 2002. These meetings are in lieu of an annual CIREN conference.

Please be aware that this is a closed building. Attendees to this meeting must present photo identification, pass through the xray and magnetometer, and be escorted to the meeting room so please allow sufficient time to complete this process.

Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's web site *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.* If you do not have access to the web site, you may call the contact listed below and leave your telephone or fax number. You will be called only if the meeting is postponed or canceled.

FOR FURTHER INFORMATION CONTACT: Mrs. Donna Stemski, Office of Human-Centered Research, 400 Seventh Street, SW, Room 6220, Washington, DC 20590, telephone: (202) 366–5662.

Issued on: March 21, 2002.

Raymond P. Owings,

Associate Administrator for Research and Development, National Highway Traffic Safety Administration.

[FR Doc. 02–7228 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2002–11780]

Notice of Receipt of Petition for Decision That Nonconforming 2001 and 2002 Vespa ET2 and ET4 Motor Scooters Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2001 and 2002 Vespa ET2 and ET4 motor scooters are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001 and 2002 Vespa ET2 and ET4 motor scooters that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 25, 2002.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of North Miami, Florida (''ACI'') (Registered Importer 01–278) has petitioned NHTSA to decide whether non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters are eligible for importation into the United States. The vehicles, which ACI believes are substantially similar, are 2001 and 2002 Vespa ET2 and ET4 motor scooters that were manufactured for importation into and sale in the United States and certified by their manufacturer, Piaggio & Co. SpA. as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

ACI submitted information with its petition intended to demonstrate that non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 122 *Motorcycle Brake Systems,* and 205 *Glazing Materials.*

The petitioner also states that the original manufacturer has stamped into the frame of each non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters a unique 17-digit vehicle identification number (VIN) that meets the requirements of 49 CFR Part 565.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Replacement of all bulbs, including headlamp, stop lamp, and directional signals, with U.S.-certified components; (b) replacement of the stop lamp lens with a U.S.-certified component; (c) installation of U.S.-certified front amber reflectors; (d) installation of a U.S.-certified rear reflector; (e) installation of U.S.-certified rear red reflector.

Standard No. 111 *Rearview Mirrors:* Inscription of the required warning statement on the rearview mirrors, or replacement of those mirrors with U.S.-model components.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* Installation of a tire information label that displays the recommended tire size, rim size, and cold inflation pressure. The petitioner states that the vehicles are equipped from the factory with rims that are marked in accordance with the standard, identical to those on their U.S.-certified counterparts.

Standard No. 123 *Motorcycle Controls and Displays:* (a) Installation of a U.S. model speedometer calibrated in miles per hour and a U.S. model odometer that measures distance traveled in miles; (b) installation of a supplemental engine stop control on the right side of the handlebar, identified as ''engine stop,'' with ''off'' and ''run'' positions.

The petitioner states that when the vehicle has been brought into conformity with all applicable Federal motor vehicle safety standards, a certification label that meets the requirements of 49 CFR part 567 will be affixed to the frame of the motor scooter.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal**

Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 19, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 02–7164 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 20, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 25, 2002, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0146.

Form Number: IRS Form 2553.

Type of Review: Extension.

Title: Election by a Small Business Corporation.

Description: Form 2553 is filed by a qualifying corporation to elect to be an S corporation as defined in Code section 1361. The information obtained is necessary to determine if the election should be accepted by the IRS. When the election is accepted, the qualifying corporation is classified as an S corporation and the corporation's income is taxed to the shareholders of the corporation.

Respondents: Business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 500,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	8 hr., 51 min.
Learning about the law or the form	3 hr., 10 min.
Preparing, copying, assembling, and sending the form to the IRS	3 hr., 27 min.

Frequency of Response: Other (once).

Estimated Total Reporting/Recordkeeping Burden: 7,745,000 hours.

OMB Number: 1545–0819.

Regulation Project Number: 26 CFR 601.201.

Type of Review: Extension.

Title: Instructions for Requesting Rulings and Determination Letters.

Description: The National Office issues ruling letters and District Directors issue determination letters to taxpayers interpreting and applying the tax laws to a specific set of facts. The National Office also issues other types of letters. The procedural regulations set forth the instructions for requesting ruling and determination letters.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions, farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 271,914.

Estimated Burden Hours Per Respondent: 55 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 248,496 hours.

OMB Number: 1545–0988.

Form Number: IRS Form 8609 and Schedule A.

Type of Review: Extension.

Title: Low-Income Housing Credit Allocation Certification (8609); and Annual Statement (Schedule A).

Description: Owners of residential low-income rental buildings may claim a low-income housing credit for each qualified building over a 10-year credit period. Form 8609 is used to get a credit allocation from the housing-credit agency. The form, along with Schedule A, is used by the owner to certify necessary information required by the law.

Respondents: Business or other for-profit, individuals or households, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 120,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
Form 8609	8 hr., 51 min.	3 hr., 4 min	3 hr., 21 min.
Schedule A (8609)	6 hr., 41 min.	1 hr., 12 min	1 hr. 20 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,770,200 hours.

Clearance Officer: Glenn Kirkland, Internal Revenue Service, Room 6411, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503, (202) 395–7860.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–7193 Filed 3–25–02; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 67, No. 58
Tuesday, March 26, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agriculture Research Service

Notice of Intent To Seek Approval To Collect Information

AGENCY: Nutrient Data Lab (NDL), Beltsville Human Nutrition Research Center, Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR (60 FR 44978, August 29, 1995), this notice announces the Nutrient Data Laboratory's intent to request approval for a new information collection from consumers of municipal and tap water supplies throughout the U.S. The study will provide data on the fluoride content of the U.S. water supply for development of a comprehensive database of the fluoride concentration of beverages and foods consumed in the U.S., to be released on USDA–NDL's website.

DATES: Comments on this notice must be received by the agency 30 days after date of publication in the **Federal Register** to be assured of consideration.

ADDRESSES: Address all public comments concerning this notice to Dr. Pamela Pehrsson, Nutrient Data Lab, U.S. Department of Agriculture, Room 309A Bldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0716 (v) or 301–504–0713 (f). Submit electronic comments to *ppehrsson@rbhnrc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Pamela Pehrsson, Nutrient Data Lab, U.S. Department of Agriculture, Room 309A Buldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0716 (v) or 301–504–0713 (f), *ppehrsson@rbhnrc.usda.gov* or Rena Cutrufelli, Nutrient Data Lab, U.S. Department of Agriculture, Room 208A Bldg. 005, 10300 Baltimore Ave., Beltsville, MD 20705, 301–504–0693 (v) or *rcutrufelli@rbhnrc.usda.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Tap Water Sampling for the USDA Fluoride Database.

OMB Number: Not yet assigned.

Expiration Date: N/A.

Type of Request: Approval for collection of water samples and supporting information from U.S. consumers in the who use water from the tap (including a municipal water supply, well water, etc.) for drinking and cooking.

Abstract: NDL will develop a database of the fluoride content of public drinking water supplies and other beverages and foods in the U.S. The proposed work is a collaborative effort between investigators at the Nutrition Coordinating Center (NCC) at the University of Minnesota, and at the Nutrient Data Laboratory at the Agricultural Research Service, US Department of Agriculture (USDA–NDL). This research is designed as a national analytical survey of fluoride in chief contributors to the U.S. diet and based on preliminary work done at USDA–NDL and NCC. This national fluoride database will be released on USDA–NDL's website and will be adapted to support the NCC fluoride assessment methodology. These products will provide an important data resource for nutrition-related research, planning, and policy nationwide. Development of the fluoride database is underway and funded by The National Institute of Dental and Craniofacial Research (NIDCR), NIH.

The fluoride content of the U.S. water supply is important in research of the dental health of children who may be at risk for dental caries (too little fluoride) or overexposure to fluoride, which results in permanent mottling of the teeth. Individuals of all ages are affected by the fluoride content of the water supply because water, in addition to being a highly consumed beverage by itself, is the base of many other high consumption beverages (e.g., carbonated beverages, teas, coffee, and processed fruit drinks). The level of fluoride supplementation and filtration practices for municipal water and for water-based beverages has not always been documented so the analytical results of previous studies may not be meaningful. In addition, previously determined data on the fluoride content of drinking water are local or regional and not the result of a statistically determined, nationally representative approach to sample collection. No seasonal (over time) variability assessment has been documented using national data.

The fluoride of household tap water used for cooking and drinking is the core of this database and detailed documentation about the source and use of the water is critical in the validation the resulting data. The need for this type of information in developing a database usable to the dental research and service communities is pressing.

The sampling approach and frame for this study were developed by statisticians at the National Agricultural Statistics Service, USDA. All county samples were drawn using a minimum replacement probability proportional to size procedure (PMR). The county sizes were taken from 2000 Census county population files given on the Census web site. Each sample contains 72 counties for use in picking up two water samples per county. Within each county, two participants, yielding a total of 144, will be recruited through a phone survey using a randomized listing of all county residents.

Adult individuals, who are considered in a position of responsibility for the household and have agreed to participate will complete a questionnaire which focuses on their source of drinking/cooking water and any treatment of the water. They will fill two 250 ml bottles with tap water from the kitchen faucet.

The bottles and survey will be shipped in a prepaid, prelabeled package (provided to the consumer) to Virginia Polytechnic Institute and State University for analysis. The fluoride survey was modified and abbreviated from a test study of tap water to more effectively phrase the questions and eliminate questions which were not, in retrospect, providing useful information. All responses will be confidential. To ensure confidentiality, fluoride data attached to a consumer code to prevent identification of individuals will be reported only in table format. The data will not be used to assess the quality of a family's socioeconomic status or any other characteristic of that individual's home.

Individual consumers will be informed of these confidentiality assurances in the precollection letters. Participants will be awarded an incentive which will be an emergency or travel pack for their automobile (value estimated around $12) for each collection. The pack will not display a company endorsement, but will display a USDA logo. The choice of a similar product equal to or slightly higher in value will be offered as a choice for the second collection.

Estimate of Burden: For the fluoride survey in this study, burden on the respondents will consist of completing the questionnaire along with collection of water samples in two bottles supplied by NDL. The total time for survey completion and water collection is estimated to take 30 minutes or less.

Respondents: Randomly selected consumers in the U.S. public within statistically defined areas (Census-based).

Estimated Number of Respondents: 144 in total, each participating in the information and water collection twice over a 3–6 month period.

Estimated Total Annual Burden on Respondents: 144 × 30 minutes × 2 collections = 144 hours of time and effort across the U.S. contributed to this collection of tap water.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions made; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on the respondents, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

Dated: January 31, 2002.

Phyllis Johnson,

Director, Beltsville Area Research Center.

[FR Doc. 02–7148 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Counties Payments Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Counties Payments Committee has scheduled a meeting on April 20, 2002, to discuss how it will provide Congress with the information specified in Section 320 of the Fiscal Year 2001 Interior and Related Agencies Appropriations Act. In order to develop its recommendations to Congress, the Committee would like to hear from both elected officials and the general public. The meeting will consist of a public input session from 1 p.m. until 5 p.m.

DATES: The meeting will be held on April 20, 2002.

ADDRESSES: The meeting will be held in the Silver Baron ''D'' meeting room on the mezzanine level at the Silver Legacy Casino/Resort, 407 North Virginia Street, Reno, Nevada.

Those who cannot be present may submit written responses to the questions listed under **SUPPLEMENTARY INFORMATION** in this notice to Randle G. Phillips, Executive Director, Forest Counties Payments Committee, PO Box 34718, Washington, DC 20043–4713, or electronically to the Committee's website at *http://countypayments.gov/comments.html.* Comments on this notice must be received by April 30, 2002, to be assured of consideration. Comments received after that date will be considered to the extent possible.

FOR FURTHER INFORMATION CONTACT: Randle G. Phillips, Executive Director, Forest Counties Payments Committee, (202) 208–6574 or *rphillips01@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Section 320 of the 2001 Interior and Related Agencies Appropriations Act (Pub. L. 106–291) created the Forest Counties Payments Committee to make recommendations to Congress on a long-term solution for making Federal payments to eligible States and counties in which Federal lands are situated. The Committee will consider the impact on eligible States and counties of revenues from the historic multiple use of Federal lands; evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands; evaluate the expenditures by counties on activities occuring on Federal lands which are Federal responsibilities; and monitor payments and implementation of The Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393).

At the April 20 meeting in Reno, the Committee asks that respondents provide information that is responsive to the following questions:

1. Do counties receive their fair share of federal revenue-sharing payments made to eligible States?

2. What difficulties exist in complying with, and managing all of the federal revenue-sharing payments programs? Are some more difficult than others?

3. What economic, social, and environmental costs do counties incur as a result of the presence of public lands within their boundaries?

4. What economic, social, and environmental benefits do counties realize as a result of public lands within their boundaries?

5. What are the economic and social effects of changes in revenues generated from public lands over the past 15 years, as a result of changes in management on public lands in your State or county?

6. What actions has your State or county taken to mitigate any impacts associated with declining economic conditions, or revenue-sharing payments?

7. What effects, both positive and negative, have taken place with education and highway programs that are attributable to the management of public lands within your State or county?

8. What relationship, if any, should exist between federal revenue-sharing programs and management activities on public lands?

9. What alternatives exist to provide equitable revenue-sharing to States and counties and promote ''sustainable forestry''?

10. What has been your experience regarding implementation of Public Law 106–393, The Secure Rural Schools and Community Self-Determination Act?

11. What changes in law, policies and procedures, and the management of public land have contributed to changes in revenue derived from the multiple-use management of these lands?

12. What changes in law, policies and procedures, and the management of public land are needed in order to restore the revenues derived from the multiple-use management of these lands?

Dated: March 19, 2002.

Scott D. Conroy,

Acting Deputy Chief, Programs and Legislation.

[FR Doc. 02–7241 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lake County Resource Advisory Committee (RAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Change in meeting date.

SUMMARY: The Lake County Resource Advisory Committee (RAC) will hold a meeting.

DATES: Date of the announcement in the **Federal Register** of Tuesday March 19, 2002 on page 12513 is changed from March 25, 2002 to April 25, 2002. No other changes are made. The meeting will be from 3:00 P.M. to 6:00 PM.

ADDRESSES: The meeting will be held at the Lake County Board of Supervisor's Chambers at 255 North Forbes Street, Lakeport.

FOR FURTHER INFORMATION CONTACT: Debbie McIntosh, Committee Coordinator, USDA, Mendocino National Forest, Upper Lake Ranger District, 10025 Elk Mountain Road, Upper Lake, CA 95485. (707) 275–2361; email *dmcintosh@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review and approval of the minutes of the February meeting; (2) apply Criteria to submitted Proposals; (3) Select Projects that best meet the Evaluation Criteria; (4) Recommend Projects; and (5) Public Comment Period. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 19, 2002.

Blaine P. Baker,

Designated Federal Officer.

[FR Doc. 02–7219 Filed 3–25–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License; Tiger Optics, Inc.

AGENCY: National Institute of Standards and TechnologyCommerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is a notice in accordance with 35 USC 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent No. 5,835,231 (Application No. 08/962,171), titled ''Broad Band Intro-Cavity Total Reflection Chemical Sensor,'' filed October 31, 1997; NIST Docket No. 96–025US, Patent No. 5,986,768 (Application No. 08/962,171), titled, ''Intra-Cavity Total Reflection For High Sensitivity Measurement Of Optical Properties,'' filed October 31, 1997; NIST Docket No. 96–025CIP, and Patent No. 5,943,136 (Application No. 08/962,170), titled, ''Intra-Cavity Total Reflection For High Sensitivity Measurement Of Optical Properties,'' filed October 31, 1997; NIST Docket No. 96–012US, to Tiger Optics, Inc., having a place of business at 250 Titus Avenue, Warrington, PA 18976–2426. The grant of the license would be in the following fields of use: (1) Semiconductor, Compound Semiconductor, and Specialty/Electronic Chemicals Manufacturing; (2) Chemical and Petrochemical Processing and Manufacturing; and (3) Environmental Monitoring and Control (including detection of chemical and biological warfare agents).

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, Phone 301–975–2691.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 USC 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 USC 209 and 37 CFR 404.7. The availability of the inventions for licensing was published in the **Federal Register** as follows:

NIST Docket No. 96–025US, Vol. 63, No. 96 (page 27564, May 19, 1998).

NIST Docket No. 96–025CIP, Vol. 64, No. 101 (page 28453, May 26, 1999).

NIST Docket No. 96–012US, Vol. 64, No. 101 (page 28453, May 26, 1999).

U.S. Patent No. 5,835,231 is owned by the U.S. government, as represented by the Secretary of Commerce. The present invention permits broadband, ultra-sensitive measurement of optical absorption for any state of matter by the cavity ring-down technique using a small, monolithic, total internal reflection ring cavity. It significantly advances the sensitivity, accuracy, and adaptability of optical absorption spectroscopy for decisive qualitative and quantitative chemical analysis, with greatly increased trace analysis capability.

U.S. Patent No. 5,986,768 is owned by the U.S. government, as represented by the Secretary of Commerce. An optical cavity resonator device is provided for conducting sensitive measurement of optical absorption by matter in any state with diffraction-limited spatial resolution through utilization of total internal reflection within a high-Q (high quality, low loss) optical cavity. Intracavity total reflection generates an evanescent wave that decays exponentially in space at a point external to the cavity, thereby providing a localized region where absorbing materials can be sensitively probed through alteration of the Q-factor of the otherwise isolated cavity. When a laser pulse is injected into the cavity and passes through the evanescent state, an amplitude loss resulting from absorption is incurred that reduces the lifetime of the pulse in the cavity. By monitoring the decay of the injected pulse, the absorption coefficient of manner within the evanescent wave region is accurately obtained from the decay time measurement.

U.S. Patent No. 5,943,136 is owned by the U.S. government, as represented by the Secretary of Commerce. The present invention relates to a device which permits the sensitive measurement of the optical absorption of matter in any state with diffraction-limited spatial resolution using total internal reflection within a high-Q (high-quality, low-loss) optical cavity. Its use provides qualitative and quantitative analysis of material composition and rates of chemical reactions. The device is especially well suited for thin film diagnostics.

Dated: March 18, 2002.

Karen H. Brown,

Deputy Director.

[FR Doc. 02–7188 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of the Dates and Locations of Public Scoping Meetings for the Proposed Designation of the Northwestern Hawaiian Islands National Marine Sanctuary

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean

Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Scoping meetings.

SUMMARY: On December 4, 2000, Executive Order 13178 established the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, pursuant to the National Marine Sanctuaries Amendments Act of 2000. The Reserve extends approximately 1200 nautical miles long and 100 nautical miles wide. Pursuant to this Act and the Executive Order, NOAA issued a notice of intent on January 19, 2001 (66 FR 5509) to designate the Reserve as a national marine sanctuary. A notice announcing the beginning of public scoping pursuant to the National Environmental Policy Act was issued on March 18, 2002 (67 FR 11996). This notice announces the dates and locations of the public scoping meetings.

DATES AND ADDRESSES: The public scoping process started on March 18, 2002, and ends on Friday, May 3, 2002. Written comments may be sent to NWHI Coral Reef Ecosystem Reserve, 6700 Kalaniana'ole Highway, #215, Honolulu, Hawaii 96825; faxed to (808) 397–2662; or emailed to *nwhi@noaa.gov.* Comments will be available for public review at the office address above. Summaries of public comments from initial scoping meetings will be available at *hawaiireef.noaa.gov.* Scoping meetings will be held as follows:

(1) Tuesday, April 9, 6:00 p.m., Waianae District Park, Multipurpose Building, 85–601 Farrington Highway, Waianae, Oahu, Hawaii.

(2) Wednesday, April 10, 6:00 p.m., Heeia Kea State Park Visitors Center Hall, 46–465 Kamehameha Highway, Kaneohe, Oahu, Hawaii.

(3) Thursday, April 11, 6:00 p.m., Maui Arts and Cultural Center, McCoy Studio Theater, One Cameron Way, Kahului, Maui, Hawaii.

(4) Thursday, April 11, 1:00 p.m., Department of Commerce Building, Room 1414, 14th and Constitution Avenue, NW., Washington, DC.

(5) Friday, April 12, 6:00 p.m., Kulana Oiwi Halau, Lot 24, Maunaloa Highway, Kaunakakai, Molokai, Hawaii.

(6) Monday, April 15, 6:00 p.m., Japanese Cultural Center, Manoa Room, 2454 South Beretania Street, Honolulu, Oahu, Hawaii.

(7) Tuesday, April 16, 6:00 p.m., Radisson Kauai Beach Resort, Jasmine Ballroom, 4331 Kauai Beach Drive, Lihue, Kauai, Hawaii.

(8) Wednesday, April 17, 6:00 p.m., University of Hawaii at Hilo, Marine Science Building, 200 West Kawili Street, Hilo, Hawaii.

(9) Thursday, April 18, 6:00 p.m., King Kamehameha's Kona Beach Hotel, Kamakahonu Ballroom, 75–5660 Palani Road, Kailua-Kona, Hawaii.

(10) Friday, April 19, 6:00 p.m., Lanai Public Library, Frazier Avenue, Lanai City, Lanai, Hawaii.

FOR FURTHER INFORMATION CONTACT: Aulani Wilhelm, (808) 397–2657, *nwhi@noaa.gov.*

SUPPLEMENTARY INFORMATION: The National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1341 *et seq.*, authorizes the Secretary of Commerce (Secretary) to designate discrete areas of the marine environment as national marine sanctuaries to protect their special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, or esthetic qualities. The NMSA is administered by the National Oceanic and Atmospheric Administration (NOAA) through the National Marine Sanctuary Program (NMSP).

The public scoping process, including the public scoping meetings, is intended to solicit information and comments on the range and significance of issues related to the designation and management of a Northwestern Hawaiian Islands National Marine Sanctuary. The results of this scoping process will assist NOAA in formulating alternatives for a draft management plan and draft environmental impact statement for the proposed designation. NOAA encourages the public and interested parties to submit (via mail, e-mail, or fax) comments throughout the scoping period and to attend public scoping meetings at the locations listed above.

Each public scoping meeting will include a brief overview of the proposed Sanctuary region and its history, and an opportunity for members of the public to provide verbal comments through a round-table format. Each round table will accommodate 10–15 people and will have its own facilitator and note-taker who will work with the participants at that table to obtain their comments and ideas. All comments offered at the round-tables are considered part of the official record; however, participants are strongly encouraged to submit written comments to ensure that the full scope of their thoughts and ideas is considered by NOAA.

Authority: 16 U.S.C. Section 1431 et seq., Pub. L. 106–513.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: March 20, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–7187 Filed 3–25–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF ENERGY

Notice of Renewal of the Secretary of Energy Advisory Board

Pursuant to section 14 (a)(2)(A) of the Federal Advisory Committee Act and in accordance with title 41 of the Code of Federal Regulations, section 102–3.65, and following consultation with the Committee Management Secretariat of the General Services Administration, notice is hereby given that the Secretary of Energy Advisory Board (the Board) has been renewed for an additional two-year period, beginning in March 2002.

The Board will continue to provide independent, balanced, and authoritative advice to the Secretary of Energy on matters concerning the Department's management, basic science, research, development and technology activities; energy and national security responsibilities; environmental cleanup activities; energy-related economic activities; the operations of the Department; and on any other activities and operations of the Department of Energy as the Secretary may direct.

The Board members are selected to assure well-balanced representation and on the basis of their broad competence in areas relating to quality management, basic science, renewable energy, energy policy, environmental science, economics, business expertise and broad public policy interests. Membership of the Board will continue to be determined in accordance with the requirements of the Federal Advisory Committee Act (Pub. L. 92–463) and implementing regulations.

The renewal of the Board has been determined to be in the public interest, important and vital to the conduct of the Department's business in connection with the performance of duties established by statute for the Department of Energy. The Board will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel M. Samuel, U.S. Department of

Energy, ME–75, FORS, Washington, DC 20585, Telephone: (202) 586–3279.

Issued in Washington, DC, on March 20, 2002.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. 02–7192 Filed 3–25–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Monday, April 22, 2002, 6:30 p.m.–9 p.m. Tuesday, April 23, 2002, 8:30 a.m.–4 p.m.

ADDRESSES: DeSoto Hilton, 15 East Liberty Street, Savannah, GA.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Science Technology & Management Division, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC, 29802; Phone: (803)725–5374.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOEand its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, April 22, 2002

6:30 p.m., Public Comment Session
7p.m.—9 p.m., Committee Meetings
9 p.m., Adjourn

Tuesday, April 23, 2002

8:30–9:15 a.m., Approval of Minutes; Agency Updates; Public Comment Session; Facilitator Update
9:15–10:15 a.m., Strategic & Long-Term Issues Committee
10:15–11:15 a.m., Environmental Restoration Committee
11:15–11:45 a.m., Administrative Committee Reports

Bylaws Amendment Proposal

11:45–12 noon, Public Comments
12 noon, Lunch Break
1–1:30 p.m., Executive Committee and SSAB Chairs Trip Report
1:30–3:00 p.m., Waste Management Committee Report
3–3:45 p.m., Nuclear Materials Committee Report
3:45–4:00 p.m., Public Comments
4 p.m., Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, April 22, 2002.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make the oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Minutes will also be available by writing to Gerri Fleming, Department of Energy Savannah River Operations Office, PO Box A, Aiken, SC, 29802, or by calling her at (803) 725–5374.

Issued at Washington, DC on March 21, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–7191 Filed 3–25–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC02–15–000, EC02–15–001, ER02–177–000, ER02–177–001, ER02–177–002]

Cinergy Services, Inc., Cinergy Corporation, The Cincinnati Gas & Electric Company, Cinergy Power Investments, PSI Energy, Inc.; Notice of Issuance of Order

March 20, 2002.

Cinergy Services, Inc. (Cinergy), on behalf of Cinergy Corporation and its affiliates, Cincinnati Gas & Electric Company, PSI Energy, Inc., and Cinergy Power Investments, Inc. (collectively, ''Applicants'') made certain filings, in the above-docketed proceedings, with the Commission pursuant to Ohio restructuring legislation implementing customer choice and pursuant to three settlements that provide for the continuation of joint generation and dispatch and joint transmission planning among Cinergy affiliates. Applicants also filed under section 205 of the Federal Power Act various agreements, including a market-based rate tariff, related to their corporate reorganization. Applicants filings also requested certain waivers and authorizations. In particular, Applicants requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by Applicants.

On March 18, 2002, the Commission issued an Order Authorizing Transfer Of Assets, Granting Market-Based Rates And Accepting Related Agreements For Filing (Order) that granted Applicants request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (J), (K), and (M):

(J) Within 30 days of the date of issuance of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Applicants should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(K) Absent a request to be heard within the period set forth in Ordering Paragraph (J) above, Applicants are hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the Applicants, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(M) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of the Applicants' issuances of securities or assumptions of liabilities.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 17, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may

also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7200 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–201–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 20, 2001.

Take notice that on March 15, 2002, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing. The tariff sheets will become effective April 15, 2002.

CIG is filing to update its tariff consistent with recent Commission orders in other pipeline company proceedings concerning (1) the adjustment of rate components in discount agreements to achieve an overall agreed upon rate and (2) the specification of minimum pressure requirements. Additionally, CIG proposes to change certain sections to conform to prior revisions, correct tariff references, and delete obsolete language from its pro forma service agreements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7206 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–963–000]

Crete Energy Venture, LLC; Notice of Issuance or Order

March 20, 2002.

Crete Energy Ventures, LLC (CEV) submitted for filing a rate schedule under which CEV will engage in the sales of capacity, energy and certain ancillary services at market-based rates. CEV also requested waiver of various Commission regulations. In particular, CEV requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by CEV.

On March 15, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CEV should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, CEV is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of CEV, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CEV's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 15, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7201 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR02–12–000]

Dow Pipeline Company; Notice of Petition for Rate Approval

March 20, 2002.

Take notice that on February 28, 2002, Dow Pipeline Company (Dow) filed, pursuant to section 284.123(b)(2) of the Commission's Regulations, a petition for rate approval of a system-wide interruptible transportation rate it proposes to charge for transporting natural gas pursuant to section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). Dow proposes a rate of $0.0349 per Dth, plus 0.7% in-kind fuel reimbursement. Dow requests that rates be effective December 1, 2001.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the date of this filing, the rates will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426, in accordance with sections 385.214 or

385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed with the Secretary of the Commission on or before April 4, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This petition for rate approval is on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7204 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–202–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

March 20, 2002.

Take notice that on March 18, 2002 Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, the revised tariff sheets listed on Appendix A to the filing, to become effective May 1, 2002.

KMIGT states that it is making this housekeeping filing as an effort to clarify and correct various sections of KMIGT's FERC Gas Tariff.

KMIGT states that a copy of this filing has been served upon all of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7207 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER02–1000–000]

TECO–PANDA Generating Company, L.P.; Notice of Issuance of Order

March 20, 2002.

TECO–PANDA Generating Company, L.P. (TECO–PANDA) submitted for filing a rate schedule under which TECO–PANDA will engage in the sales of capacity, energy and certain ancillary services at market-based rates. TECO–PANDA also requested waiver of various Commission regulations. In particular, TECO–PANDA requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by TECO–PANDA.

On March 15, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-East, granted requests for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by TECO–PANDA should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, TECO–PANDA is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of TECO–PANDA, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of TECO–PANDA's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 15, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7202 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2413–002, *et al.*]

American Electric Power Service Corporation, *et al.;* Electric Rate and Corporate Regulation Filings

March 20, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. American Electric Power Service Corporation

[Docket No. ER01–2413–002]

Take notice that on March 14, 2002, the American Electric Power Service Corporation (AEPSC) tendered for filing an Amended Interconnection and Operation Agreement between Indiana Michigan Power Company and Sugar Creek Energy, L.L.C. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the

Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of May 12, 2002.

A copy of the filing was served upon the Indiana Utility Regulatory Commission and Michigan Public Service Commission.

Comment Date: April 4, 2002.

2. International Transmission Company

[Docket No. ER02–974–001]

Take notice that on March 14, 2002, International Transmission Company (International Transmission) tendered for filing an amendment to the filing of several service agreements for the provision of non-discriminatory transmission service executed under the joint access transmission tariff between International Transmission and Michigan Electric Transmission Company. The amendment revises the February 6 Filing to include the required Order No. 614 designations for the Service Agreements.

Comment Date: April 4, 2002.

3. Duke Energy Corporation

[Docket No. ER02–994–001]

Take notice that on March 15, 2002, Duke Energy Corporation submitted an amendment to its filing in the above-captioned docket. The March 15, 2002 amended filing supercedes the original February 8, 2002 filing. All interventions, protests and comments regarding both filings should be filed by the date indicated below.

Comment Date: April 5, 2002.

4. Keyspan-Ravenswood, Inc.

[Docket No. ER02–1085–001]

Take notice that on March 7, 2002, KeySpan-Ravenswood, Inc. (Ravenswood) filed an amendment to its February 25, 2002 informational letter filed with the Commission, pursuant to section 35.15'' of the Commission's rules. The amendment withdraws Ravenswood's notification of cancellation of the Transition Capacity Agreement between Ravenswood and The Consolidated Edison Co of New York, Inc. (Con Edison) accepted in Docket No. ER99–2376–000 and designated by the Commission as Ravenswood's Rate Schedule FERC No. 1 because the contract has not yet terminated. However, Ravenswood's notification of termination contained in the February 25 filing regarding the Transition Energy Agreement between Ravenswood and Con Edison accepted in Docket No. ER99–3183–000 and designated by the Commission as Ravenswood's Rate Schedule FERC No. 2 remains in effect.

Comment Date: April 1, 2002.

5. Illinois Power Company

[Docket No. ER02–1328–000]

Take notice that on March 18, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) five Emergency Energy Service Agreements entered into with Exelon Generation Company, LLC; Allegheny Energy Supply Company, LLC; Southern Illinois Power Cooperative; Central Illinois Light Company; and Alliant Energy Corporate Services, Inc. pursuant to Illinois Power's Emergency Energy Tariff.

Illinois Power requests an effective date of February 1, 2002, for all five Agreements and accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to all five customers.

Comment Date: April 8, 2002.

6. Illinois Power Company

[Docket No. ER02–1329–000]

Take notice that on March 18, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) a Network Integration Transmission Service Agreement entered into with Tri-County Electric Cooperative, Inc. and a Network Integration Transmission Service Agreement entered into with Clinton County Electric Cooperative, Inc., pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of March 1, 2002, for both Agreement sand accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to the customers.

Comment Date: April 8, 2002.

7. Pacific Gas and Electric Company

[Docket No. ER02–1330–000]

Take notice that on March 18, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing several Agreements, including an executed Generator Interconnection Agreement (GIA) to replace the unexecuted placeholder GIA that is part of the Generator Special Facilities Agreement (GSFA), between PG&E and Los Medanos Energy Center LLC (LMEC) providing for Special Facilities and the parallel operation of LMEC's generating facility and the PG&E-owned electric system that is on file with the Federal Energy Regulatory Commission (Commission) as Service Agreement No. 8 to PG&E Electric Tariff, Sixth Revised Volume No. 5.

Copies of this filing have been served upon LMEC, Calpine Corporation, the California Independent System Operator Corporation, and the California Public Utilities Commission.

Comment Date: April 8, 2002.

8. Pacific Gas and Electric Company

[Docket No. ER02–1332–000]

Take notice that on March 18, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing three executed Generator Interconnection Agreements (GIAs) to replace the unexecuted placeholder GIAs that are part of the Generator Special Facilities Agreements (GSFAs) between PG&E and each of the following generators, Fresno Cogeneration Partners, LP (Fresno), NEO Corporation, NEO California Power LLC, Chowchilla (NEO Chowchilla) and NEO Corporation, NEO California Power LLC, Red Bluff (NEO Red Bluff). These Agreements provide for the parallel operation of the generating facilities of Fresno, NEO Chowchilla and NEO Red Bluff and the PG&E-owned electric system and are on file with the Commission as Service Agreement Nos. 11, 13 and 14 to PG&E Electric Tariff, Fourth Revised Volume No. 5. The GIAs provide no rates for services, and there are no associated sales or revenue.

Copies of this filing have been served upon Fresno, NEO Chowchilla, NEO Red Bluff, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment Date: April 8, 2002.

9. PJM Interconnection, L.L.C.

[Docket No. ER02–1333–000]

Take notice that on March 18, 2002, PJM Interconnection, L.L.C. (PJM) tendered for filing proposed changes to the PJM Open Access Transmission Tariff. PJM states that the proposed changes add new, standardized terms and conditions for interconnection of generation facilities with the PJM Transmission System and related forms of service agreements, and make conforming changes to various provisions of the existing Part IV of the PJM Tariff.

PJM further states that copies of this filing have been served on all parties to Docket No. RT01–2–000, as well as on all PJM Members and the state electric regulatory commissions in the PJM region.

PJM requests an effective date of June 1, 2002 for the proposed tariff changes.

Comment Date: April 8, 2002.

Standard Paragraph:

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–7198 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–104–000, et al.]

PPL Sundance Energy, LLC, et al.; Electric Rate and Corporate Regulation Filings

March 19, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. PPL Sundance Energy, LLC

[Docket N. EG02–104–000]

Take notice that on March 15, 2002, PPL Sundance Energy, LLC (Applicant), having its principal place of business at Two North Ninth Street, Allentown, Pennsylvania, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company formed for the purpose of operating the 450 MW Sundance generating plant, located in Pinal County, Arizona. The Applicant is an indirect subsidiary of PPL Corporation, a public utility holding company exempt from registration under section 3(a)(1) of the Public Utility Holding Company Act of 1935.

Comment Date: April 9, 2002.

2. PPL University Park, LLC

[Docket No. EG02–105–000]

Take notice that on March 15, 2002, PPL University Park, LLC (Applicant), having its principal place of business at Two North Ninth Street, Allentown, Pennsylvania, filed with the Federal Energy Regulatory Commission (''Commission'') an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company formed for the purpose of operating the 540 MW University Park generating plant, located in University Park, Illinois. The Applicant is an indirect subsidiary of PPL Corporation, a public utility holding company exempt from registration under Section 3(a)(1) of the Public Utility Holding Company Act of 1935.

Comment Date: April 9, 2002.

3. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1321–000]

Take notice that on March 14, 2002, Wolverine Power Supply Cooperative, Inc., submitted for filing an executed Non-Firm Point-to-Point Transmission Service Agreement between Wolverine Power Supply Cooperative, Inc. and the Tower Kleber Limited Partnership dated January 1, 2002. Wolverine requests that this Agreement be designated as Service Agreement No. 3 under its FERC Electric Tariff, First Revised Volume No. 1.

Wolverine requests an effective date of January 1, 2002, for this Agreement.

Wolverine states that a copy of this filing has been served upon Tower Kleber Limited Partnership and the Michigan Public Service Commission.

Comment Date: April 4, 2002.

4. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1322–000]

Take notice that on March 14, 2002, Wolverine Power Supply Cooperative, Inc., submitted for filing an executed Generator Interconnection and Operation Service Agreement between Wolverine Power Supply Cooperative, Inc. and the Tower Kleber Limited Partnership dated January 1, 2002. Wolverine requests that this agreement be designated as Service Agreement No. 4 under its FERC Electric Tariff, First Revised Volume No. 1.

Wolverine requests an effective date of January 1, 2002, for this Agreement.

Wolverine states that a copy of this filing has been served upon Tower Kleber Limited Partnership and the Michigan Public Service Commission.

Comment Date: April 4, 2002.

5. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER02–1323–000]

Take notice that on March 14, 2002, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed First Revised Service Agreement No. 110 and Supplement No. 1 to First Revised Service Agreement No. 110 under Allegheny Power's Open Access Transmission Service Tariff. Service Agreement No. 110 was accepted for filing by the Federal Energy Regulatory Commission on July 24, 1997 in Docket No. ER97–3137–000. First Revised Service Agreement No. 110 and its Supplement No. 1 consist of an unexecuted Network Integration Transmission Service Agreement and Network Operating Agreement with the Borough of Tarentum and replace Service Agreement No. 110.

Allegheny Power requests that First Revised Service Agreement No. 110 and its Supplement No. 1 have an effective date of March 16, 2002.

Copies of the filing have been provided to the Customer and all parties of record.

Comment Date: April 4, 2002.

6. Mt. Carmel Cogen, Inc.

[Docket No. ER02–1324–000]

Take notice that on March 15, 2002, Mt. Carmel Cogen, Inc. (Mt. Carmel), filed with the Federal Energy Regulatory Commission an application for approval of its initial tariff (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Mt. Carmel is a corporation formed under the laws of Delaware. Mt. Carmel owns and operates a 45–MW generating

plant located in Mount Carmel, Pennsylvania.

Comment Date: April 5, 2002.

7. PPL Sundance Energy, LLC

[Docket No. ER02–1325–000]

Take notice that on March 15, 2002, PPL Sundance Energy, LLC (PPL Sundance) filed with the Federal Energy Regulatory Commission (Commission) an application for authority to sell electric energy, capacity and certain ancillary services at market-based rates.

Comment Date: April 5, 2002.

8. PJM Interconnection, L.L.C.

[Docket No. ER02–1326–000]

Take notice that on March 15, 2002, PJM Interconnection, L.L.C. (PJM), filed amendments to the PJM Open Access Transmission Tariff and the Amended and Restated PJM Operating Agreement to implement an Economic Load Response Program on a multi-year basis.

Copies of this filing were served upon all PJM members and each state electric utility regulatory commission in the PJM region.

PJM requests an effective date of June 1, 2002 for the amendments.

Comment Date: April 5, 2002.

9. PPL University Park, LLC

[Docket No. ER02–1327–000]

Take notice that on March 15, 2002, PPL University Park, LLC filed with the Federal Energy Regulatory Commission (Commission) an application for authority to sell electric energy, capacity and certain ancillary services at market-based rates.

Comment Date: April 5, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 02–7149 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 20, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Application Type: Extension of Temporary Amendment of License.

b. Project No.: 2899–105.

c. Date Filed: March 18, 2002.

d. Applicant: Idaho Power Company.

e. Name of Project: Milner Hydroelectric Project.

f. Location: The Milner hydroelectric project is located on the Snake River in Twin Falls and Cassia Counties, Idaho. The project includes 109 acres of land administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Nathan F. Gardiner, Idaho Power Company, 1221 West Idaho Street, P.O. Box 70, Boise, Idaho 83707; (208) 388–2676.

i. FERC Contact: Questions about this notice can be answered by Kenneth Hogan at (202) 208–0434 or e-mail address: *Kenneth.Hogan@ferc.gov*. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. Deadline for filing comments, terms and conditions, motions to intervene, and protests: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at: *www.ferc.gov*.

k. Idaho Power Company (IPC) filed an application for an extension of the temporary amendment authorized by the Commission's order dated May 8, 2001, which temporarily waived the minimum flow requirement set forth in Article 407, and approved the dewatering of the Milner bypass reach between May 8, 2001, and March 31, 2002. Article 407 reads as follows:

The licensee shall discharge from Milner Dam a target flow of 200 cubic feet per second as measured at the Milner gage located in the bypass reach. The licensee shall release water from the Idaho Water Bank and/or make releases from upstream storage controlled by the licensee to provide the necessary flow to achieve the 200-cfs target. The main powerhouse shall not operate during any time the target flow is not met. The target flow may be temporarily reduced if required by operating emergencies beyond the control of the licensee or for short periods upon mutual agreement between the licensee and Idaho Department of Fish and Game.

Idaho Power requests that the May 8, 2001 order, superceding Article 407, be extended to the end of the irrigation season, October, 2002.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the Web at *http://www.ferc.gov*. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or

other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7203 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM01–12–000, RT01–2–000, RT01–10–000, RT01–15–000, ER02–323–000, RT01–34–000, RT01–35–000, RT01–67–000, RT01–74–000, RT01–75–000, RT01–77–000, RT01–85–000, RT01–86–000, RT01–87–000, RT01–88–000, RT01–94–000, RT01–95–000, RT01–98–000, RT01–99–000, RT01–100–000, RT01–101–000, EC01–146–000, ER01–3000–000, RT02–1–000, EL02–9–000, EC01–156–000, ER01–3154–000, and EL01–80–000]

Electricity Market Design and Structure (RTO Cost Benefit Analysis Report); Notice Organizing Staff Technical Conference on RTO Cost Benefit Report

March 20, 2002.

This Notice provides organizational details regarding the March 25, 2002, technical conference relating to the report on ''Economic Assessment of RTO Policy'' issued February 26, 2002.[1] The conference will begin at 10:00 a.m. at the Federal Energy Regulatory's Commission's offices, 888 First Street, NE, Washington, DC. All interested persons are invited to attend.

The conference will utilize a question and answer format. Members of the Commission staff and ICF Consulting will be available to respond to questions concerning the results and methodology of the RTO Policy report. No presentations will be made either by staff or participants.

The conference will be transcribed, so those not attending can review the proceedings. Those interested in obtaining transcripts of the conference need to contact Ace Federal Reporters, at 202–347–3700. Transcripts will be available on the Commission's web site 10 days after receipt from Ace-Federal Reporters. Anyone interested in purchasing videotapes of the conference should call VISCOM at 703–715–7999.

The Capitol Connection offers all Open and special FERC meetings live over the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge, or satellite coverage, contact David Reininger or Julia Morelli at 703–993–3100 or visit the Web site, *www.capitolconnection.gmu.edu*.

The Capitol Connection also offers FERC Open Meetings through its Washington, DC area television service. In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202–966–2211.

For further information about the conference, please contact either:

William Meroney, 202–208–1069, *William.meroney@ferc.gov*.

Charles Whitmore, 202–208–1256, *Charles.whitmore@ferc.gov*.

Federal Energy Regulatory Commission, 888 N. Capitol Street, NE, Washington DC 20426.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7205 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

[1] The report is available on the Commission's web site, http://www.ferc.gov.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD02–13–000]

Conference on Energy Infrastructure; Notice of Conference

March 20, 2002.

The Federal Energy Regulatory Commission (FERC) will hold a conference on energy infrastructure issues in the southeastern states on Thursday, May 9, 2002 at the Orlando World Center Marriott Resort and Convention Center, 8701 World Center Drive, Orlando, Florida.

The conference is for the purpose of discussing the adequacy of the electric, gas and other energy infrastructure in the Southeast, and related matters. In addition to specialized panelists, the Governors and state utility commissioners of the southeastern states are being invited to participate. The goal is to identify present infrastructure needs, investment and other barriers to expansion, and environmental and landowner concerns. We look forward to an informative discussion of the issues to clarify how we can facilitate and enhance a comprehensive collaborative approach to energy infrastructure development and reliability for the southeastern states. It is our firm belief that until we have an adequate, well-functioning energy infrastructure, we cannot expect workable, competitive markets.

The one-day meeting will begin at 9:00 a.m. and conclude at 4:30 p.m. All interested parties are invited to attend. Hotel rooms have been blocked at the Marriott under the name of the Federal Energy Regulatory Commission for any attending guests to reserve a one- or two-night stay but will be released by April 17. You can still reserve a room after April 17, but on a room availability and rate basis. The hotel can be reached at 1–800–621–0638.

To attend, please register online on the Commission Web site at*http://www.ferc.gov/calendar/courses-outreach/coursesoutreach.htm.*Scroll down and click on ''Southeast Energy Infrastructure Conference''. There is no registration fee. We will issue further details on the conference, including the agenda and a list of participants, as plans evolve. For additional information, please contact Carol

Connors in the Office of External Affairs at*carol.connors@ferc.gov*.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–7199 Filed 3–25–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7163–8]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of conference.

SUMMARY: The Office of Science and Technology and Battelle, co-sponsors, will hold the ''25th Annual Conference on Analysis of Pollutants in the Environment'' to discuss all aspects of environmental measurement. The conference is open to the public.

DATES: The annual conference will be held on May 7–9, 2002. On May 7, 2002, the conference will begin at 8:45 a.m. and adjourn at 5 p.m. A workshop on ''Surviving a Laboratory Audit'' will be presented from 1:30 p.m. to 5 p.m.

On May 8, 2002, the conference will begin at 8:45 a.m. and adjourn at 4:15 p.m. On May 9, 2002, the conference will begin at 8:30 a.m. and adjourn at 12 p.m.

ADDRESSES: The conference will be held at the Sheraton Norfolk Waterside Hotel, 777 Waterside Drive, Norfolk, Virginia, 23510.

FOR FURTHER INFORMATION CONTACT: Conference and workshop arrangements are being conducted by Battelle. For information on registration, hotel rates, transportation, social events, and reservations call Andrea Grew, Battelle, at (781) 952–5290 or by facsimile at (781) 934–2124.

If you need special accommodations at this meeting, including wheelchair access, you should contact Andrea Grew, Battelle, at least five business days prior to the meeting so that we can make appropriate arrangements. If you have technical questions regarding the conference or workshop programs, please contact Marion Kelly, e-mail: *kelly.marion@epa.gov,* (202) 566–1045 or by facsimile at (202) 566–1053.

SUPPLEMENTARY INFORMATION: The ''25th Annual Conference on Analysis of Pollutants in the Environment'' is designed to bring together representatives of regulated industries, commercial environmental laboratories, State and Federal regulators, municipal water and wastewater laboratories, and environmental consultants and contractors to discuss all aspects of environmental measurement with a particular focus on environmental water regulations, compliance monitoring, and related issues.

The draft program agenda for the conference follows:

Tuesday, May 7, 2002

Welcome and Status of Office of Water Activities

8:45 a.m. Welcome—Robert G. Beimer, Battelle

9:00 a.m. Opening Remarks—William Telliard, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

9:15 a.m. Office of Water Activities—James Hanlon, Acting Deputy Assistant Administrator, U.S. EPA Office of Water, Field Techniques

9:45 a.m. Comparison of Field Collection Techniques and Filtration Procedures for Determination of Chlorophyll in Ambient Waters—R.E. Stewart, D.H. Smith, and T.Y. Du, Virginia Department of Environmental Quality

10:15 a.m. Break

Bacteriological Tracking

10:30 a.m. Microbial Source Tracking: Principles and Practice—Mansour Samadpour, University of Washington

11:00 a.m. Source Tracking of Bacteria: A Case Study—Ward Staubitz, U.S. Geological Survey Site Investigation

11:30 a.m. The Destruction of the World Trade Center and PCBs, PBDEs, PCDD/Fs, PBDD/Fs, and Chlorinated Biphenylenes in Water, Sediment, and Sewage Sludge—Simon Litten, New York State Department of Environmental Conservation; D. McChesney, U.S. EPA Region II; and Brian Fowler and M.C. Hamilton, Axys Analytical Services

12:00 Noon—Lunch

Workshop

1:30 p.m.—5:00 p.m. Surviving a Laboratory Audit—U.S. EPA Staff: Nancy Wentworth, Office of Research and Development, Quality Assurance Division; Joseph Slayton, U.S. EPA Region III, Environmental Science Center; U.S. EPA Drinking Water Representative; Steve Baker, State of Arizona

5:00 p.m. Adjourn

Wednesday, May 8, 2002

Organics Analysis

8:45 a.m. Determination of the Congener Distribution in Aroclors to the Sub-ppm Level—Coreen Hamilton, Katherine Kaye, and Brian Fowler, Axys Analytical Services

9:15 a.m. Application of Aroclor Toxicity Equivalents to Historic Aroclor Data and to Non-detects—Andy Beliveau, U.S. EPA Region I

9:45 a.m. Navigating EPA's Alternate Test Procedure for Development of an Alternate Chlorophenolics Procedure: Process and Results—Diana Cook, Glenn Wilson, and Michelle Wrabel, National Council for Air and Stream Improvement

10:00 a.m. Break

10:15 a.m. Polybrominated diphenyl ethers: An Emerging Environmental Problem—Mehran Alaee, Canadian Center for Inland Waters

10:45 a.m. Polybrominated diphenyl ethers by Gas Chromatography with an Electron Capture Detector—Robert Rieck, U.S. EPA Region X, Manchester Laboratory

11:15 a.m. Polybrominated diphenyl ethers by HRGC/HRMS—Coreen Hamilton, Brian Fowler, and Louis Haviland, Axys Analytical Services

11:45 a.m. Lunch

Sample Preservation and Holding Times

1:00 p.m. Study Supporting Extension of the Unpreserved Mercury Holding Time to 28 Days—Mark Bruce, Scott Irwin, and Patrick O'Meara, Severn Trent Laboratory, Canton, Ohio

1:30 p.m. Effect of Freezing on Concentrations of Classical Pollutants—Khouane Ditthavong, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

2:00 p.m. Effect of Starting Temperature, Ice Placement, and Other Variables on Length of Time that Samples Remain Below 4 °C in a Picnic Cooler—William Telliard, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

2:30 p.m. Break

Metals Analysis

2:45 p.m. Determination of Arsenic Species in Fish and Their Impact on Fish Advisories— Eric Crecelius, Margaret O'Neill, and Tim Fortman, Battelle Marine Sciences Laboratory

3:15 p.m. Results of the Interlaboratory Validation of EPA Method 245.7: Mercury in Water by Cold-vapor Atomic Fluorescence—

Maria Gomez-Taylor, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

Bioassay

3:45 p.m. Comparison of Results of Determination of Dioxin-like Toxicity by Cell-line Bioassays and HRGC/HRMS—Harry McCarty, DynCorp Information & Enterprise Technology, Inc.
4:15 p.m. Adjourn
5:30 p.m. Conference Reception

Thursday, May 9, 2002

Whole Effluent Toxicity

8:30 a.m. Grading on a Curve: How to Use Laboratory Control Charts and Other QA/QC Data to Interpret Toxicity Test Results—Tim Moore, Risk Sciences; and Jim Pletl, Hampton Roads Sanitation District

Microbiological Methods

9:00 a.m. Interlaboratory Validation of EPA Method 1605 for Aeromonas in Water—Misty Pope, Ken Miller, Kevin Connell, Jessica Pulz, Chris Maynard, Ben Meadows, and Kyle May, DynCorp Information & Enterprise Technology, Inc.; and Mary Ann Feige, U.S. EPA Office of Ground Water and Drinking Water Technical Support Center, Cincinnati
9:30 a.m. Are Current Microbiological Method Holding Times Meaningful? An Assessment of the Stability of Multiple Pathogens in Wastewater at Multiple Times and Temperatures—Robin Oshiro, U.S. EPA Office of Science and Technology, Engineering and Analysis Division; and Misty Pope, Kevin Connell, Jessica Pulz, Ken Miller, and Yildiz Chambers, DynCorp Information & Enterprise Technology, Inc.
10:00 a.m. Break
10:15 a.m. Special Session: Demonstration of E. coli and Enterococci Methods Proposed by EPA for Use in Recreational Water Monitoring—Robin Oshiro, U.S. EPA Office of Science and Technology, Engineering and Analysis Division
12:00 Noon—Adjourn

Dated: March 19, 2002.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 02–7225 Filed 3–25–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the U.S. Fire Administration's National Fire Academy Long-term Course Evaluation Forms.

SUPPLEMENTARY INFORMATION: The data collection from the long-term evaluation forms—one for students and one for the student's supervisor—will obtain course specific feedback regarding the impact of course content on job performance. This data is needed to improve instructional delivery and curriculum design. Demographic data are needed to identify differentials in course impact. The information collection also supports the Government Performance and Results Act.

Collection of Information

Title: National Fire Academy Long-term Evaluation Form for Supervisors, National Fire Academy Long-term Evaluation Form for Students.

Type of Information Collection: Renewal of existing collection in use with OMB approval.

OMB Number: 3067–0260.

Form Numbers: Form F–8872–NETC; F–8873–NETC.

Abstract: The National Fire Academy's long-term evaluation forms—one for students and one for the student's supervisor—will obtain course specific feedback regarding impact of course content on job performance. The information is needed to improve instruction and content. Demographic data are needed to identify differentials in course impact.

Affected Public: Individuals.

Estimated Total Annual Burden Hours: 375.

FEMA Forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
Student	750	1	.33	247.50
Superv	750	1	.17	127.50
Total	1,500			375

Estimated Cost: $105,000.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities and Services Management Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Gladhill, Program Analyst, National Fire Academy, (301) 447–1239 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities and Services Management Division,Administration and Resource Planning Directorate.

[FR Doc. 02–7173 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Public Assistance Progress Report and various forms used to administer the Public Assistance Program.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93–288, as amended, authorizes the President to provide assistance to State and local governments to help them to respond to and recover from a disaster. In order to receive Federal assistance (i.e., Federal grants) State and local officials and officials of eligible private nonprofit organizations who have a responsibility for response to a major disaster and for the restoration of facilities in the aftermath of such events must provide information to FEMA. The information is required in accordance with FEMA regulations 44 CFR, § 206.204(f), § 206.203(c), § 206.203(d)(i) and guidance published in FEMA 322, Public Assistance Guide, and FEMA 323, Public Assistance Applicant Handbook.

Collection of Information

Title: Public Assistance Progress Report and Program Forms.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0151.

Form Numbers: FEMA Form 90–49, Request for Public Assistance, FEMA Form 90–91, Project Worksheet (PW), FEMA Form 90–91A, Damage Description and Scope of Work Continuation Sheet, FEMA Form 90–91B, Cost Estimate Continuation Sheet, FEMA Form 90–91C, Maps and Sketches Sheet, FEMA Form 90–91D, Photo Sheet, FEMA Form 90–120, Special Considerations Questions, FEMA Form 90–121, PNP Facility Questionnaire, FEMA Form 90–123, Force Account Labor Summary Record, FEMA Form 90–124, Materials Summary Record, FEMA Form 90–125, Rented Equipment Summary Record, FEMA Form 90–126, Contract Work Summary Record, FEMA Form 90–127, Force Account Equipment Summary Record, FEMA Form 90–128, Applicant's Benefits Calculation Worksheet.

Abstract: Progress Report ensures that FEMA and the State have up-to-date information on Public Assistance (PA) program grants. The State submits reports quarterly to the Regional Director for construction projects for which a final payment has not been made. The date of the report will be determined jointly by the State and the Disaster Recovery Manager. The progress report describes the status of project completion dates, and circumstances that could delay a project. The State is expected to impose some reporting requirements for applicants so that they can prepare quarterly reports. Request for Public Assistance—The Request is FEMA's official application form. The Grantee has 30 days from the date of the designation of the area where the damage occurred to submit a completed Request to the Regional Director for each applicant who requests public assistance. Project Worksheet (PW)—The PW identifies the eligible scope of work and includes a quantitative estimate for the eligible work. FEMA or the applicant (sub-grantee), assisted by the State, will prepare a PW for each project. The applicant will have 60 days to identify and report damages to FEMA. Federal funds are obligated to the State based on the approved PW. The State will then approve sub-grantees based on the PW approved for each applicant. PW Damage Description and Scope of Work Continuation Sheet—The *Damage Description and Dimensions* and *Scope of Work* should be listed in the areas provided on the PW. The optional PW—Damage Description and Scope of Work Continuation Sheet provides additional space, if needed, to describe the work necessary to restore the facility to its pre-disaster design. PW Cost Estimate Continuation Sheet—The cost estimate is the estimated cost of repair for the damages described in the *Project Description* of the PW. The optional PW Cost Estimate Continuation Sheet provides additional space, if needed, to estimate the cost to restore the facility to its pre-disaster condition. PW Maps and Sketches Sheet—The optional PW Maps and Sketches Sheet assist applicants in organizing project documentation. The exact location of the facility is described and a sketch of the facility will assist the applicant in describing the damage in terms of facility features or items requiring repair. PW Photo Sheet—The optional PW Photo Sheet assist applicants in organizing project documentation. The Photo Sheet provides field personnel with specific information that enables facility damages to be documented before work is accomplished. Force Account Labor Summary Record—The optional Force Account Labor Summary Record, is used to record applicant personnel cost. Force Account Equipment Summary Record—The optional Force Account Equipment Summary Record, is used to record applicant equipment costs. Materials Summary Record—The optional Materials Summary Record, is used to record the supplies and materials an applicant may take out of stock or purchase. Contract Work Summary Record—The optional Contract Work Summary Record, is used to record the costs of work that an applicant has done by contract. Rented Equipment Summary Record—The optional Rented Equipment Summary Record, is used to record the cost of rented or leased equipment. Special Considerations Questions—The key to expedited review and approval of emergency- or permanent-work projects is early identification of factors that affect compliance with environmental resources, disaster assistance, and historic preservation legislation and Executive Orders on floodplain, wetlands, and environmental justice. The optional Special Considerations Questions, assists applicants in organizing project documentation. It is more important that any considerations simply be noted on the PW thus alerting FEMA early on in the process to any problems or circumstances expected to result in noncompliance with the approved grant. A condition of all FEMA funded projects is that they conform to State and local laws and ordinances. Applicant's Benefits Calculation Worksheet—The optional Applicant's Benefits Calculation Worksheet is used to record the costs of fringe benefits for force account labor. PNP Facility Questionnaire—The optional PNP Facility Questionnaire is

used to help determine the eligibility of specific Private Non-Profit facilities.

Affected Public: State, Local or Tribal government, and Not-For-Profit Institutions.

Estimated Total Annual Burden Hours: 94,243.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)	Hourly cost estimate for personnel/staff	Annual cost
Progress Report	25	4	25	2,500	$40	$100,000
FEMA Form 90–49	114	53	[1] 10	1,007	25	25,175
FEMA Form 90–91, 90–91A, 90–91B, 90–91C, and 90–91D	564	53	[1] 90	44,838	30	1,345,140
FEMA Form 90–120	564	53	[1] 10	4,982	25	124,575
FEMA Form 90–121	20	53	[1] 30	530	25	13,250
FEMA Form 90–123	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–124	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–125	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–126	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–127	564	53	[1] 15	7,473	25	189,825
FEMA Form 90–128	114	53	[1] 30	3,021	25	75,525
Total	222,488	.....	.....	94,243	.....	2,617,790

[1] Minutes.

Estimated Cost: All projects approved under the State disaster assistance grants will be subject to the cost sharing provisions established in the FEMA State Agreement and the Stafford Act. The cost to respondents for this information collection is estimated to be $2,617,790.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: James Walke, Branch Chief, Public Assistance Branch, Recovery Division, (202) 646–2751 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e:mail *muriel.anderson@fema.gov.*

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7174 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed [new, revised, or continuing—select one] information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the end-of-course evaluation form used for National Fire Academy field (off-campus) and State Weekend Program courses.

SUPPLEMENTARY INFORMATION: The National Fire Academy (NFA) is mandated under the Fire Prevention and Control Act of 1974, Public Law 93–498, to provide training and education to the Nation's fire and emergency response personnel. The programs offered by the Academy serve as models of excellence. To maintain the quality of these programs, it is necessary to evaluate them on an on-going basis. This National Fire Academy Course Evaluation Form is a key component for the measurement of quality assurance for NFA field (off-campus) and State Weekend Program courses. This form is used for courses delivered both on-campus and throughout the Nation.

Collection of Information

Title: National Fire Academy Course Evaluation Form.

Type of Information Collection: Extension of existing approved collection.

OMB Number: 3067–0233.

Form Numbers: FEMA Form 95–45.

Abstract: This National Fire Academy Course Evaluation Form is used in all field two-day (off-campus) and State Weekend Program courses. The form is primarily used to assess the effectiveness of the course materials and instructor delivery. The demographic information is used in developing needs assessments for future course development/revision efforts.

Affected Public: Individuals.

Estimated Total Annual Burden Hours: 6250.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
95–45	25,000	1	.25	6,250
Total	25,000	1	.25	6,250

Estimated Cost: $104,000 per year.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities and Services Management Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Gladhill, Program Analyst, National Fire Academy, (301) 447–1239 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

Virginia A. Akers,

Acting Branch Chief, Program Services and Systems Branch,Facilities and Services Management Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7176 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the renewal of the Standard Flood Hazard Determination form.

SUPPLEMENTARY INFORMATION: FEMA is seeking to extend the use of the Standard Flood Hazard Determination form, which is required by Title V of the National Flood Insurance Reform Act of 1994. No changes in the information collected will be made. Changes to the form's instructions, to include the purpose of the form, have been made.

Collection of Information

Title: Standard Flood Hazard Determination form.

Type of Information Collection: Extension.

OMB Number: 3067–0264.

Form Numbers: FEMA 81–93 Standard Flood Hazard Determination form.

Abstract: On September 23, 1994, the President signed the Riegle Community Development and Regulatory Improvement Act of 1994. Title V of this Act is the National Flood Insurance Reform Act (NFIRA). Section 528 of the NFIRA requires that FEMA develop a standard hazard determination form for recording the determination of whether a structure is located within an identified Special Flood Hazard Area and whether flood insurance is available. Section 528 of the NFIRA also requires the use of this form by regulated lending institutions, federal agency lenders, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Government National Mortgage Association for any loan made, increased, extended, renewed or purchased by these entities. The form developed to comply with the above requirements is the Standard Flood Hazard Determination form (FEMA form 81–93, dated October 1998). This form will be completed by federally regulated lending institutions when making, increasing, extending, renewing or purchasing each loan for the purpose of documenting the factors considered as to whether flood insurance is required and available. An estimated 20,000,000 such uses are made each year. This number is entirely driven by the volume of mortgage transactions, of which fluctuations in interest rates is a principal factor.

Affected Public: Business or other for-profit, Federal Government.

Estimated Total Annual Burden Hours: Completing the Standard Flood Hazard Determination form is estimated to average approximately 20 minutes per form. An estimated 20,000,000 forms per year, multiplied by 0.33 hours per form, results in an estimated burden of approximately 6,600,000 hours.

Estimated Cost: An estimated 0.33 hour per form multiplied, by 20 million forms per year, multiplied by $29 per hour results in an estimated annualized cost of $191,400,000.

Comments: Written comments are solicited to: (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to: Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Frederick Sharrocks, Mapping Support Branch Chief, Federal Insurance and Mitigation Administration, 202.646.2796, for additional information. Contact Ms. Anderson at (202) 646–2625 (voice), (202) 646–3347(facsimile), or e-mail address: *muriel.anderson@fema.gov* for copies of the proposed information collection.

Dated: March 19, 2002.

Virginia A. Akers,

Acting Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7177 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning information required by FEMA to amend or revise National Flood Insurance Program Maps to remove certain property from the 1-percent annual chance floodplain.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Cecelia Lynch, FEMA, Federal Insurance and Mitigation Administration at (202) 646–7045 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e:mail *muriel.Anderson@fema.gov.*

SUPPLEMENTARY INFORMATION: With the passage of the Flood Disaster Protection Act of 1973, an owner of a structure, with a federally backed mortgage, located in the 1-percent annual chance floodplain, was required to purchase federal flood insurance. This was in response to the escalating damage caused by flooding and the unavailability of flood insurance from commercial insurance companies. As part of this effort, FEMA mapped the 1-percent annual chance floodplain in communities. However, due to scale limitations, individual structures that may be above the base flood cannot always be shown as being out of the 1-percent annual chance floodplain. FEMA will issue a Letter of Map Amendment (LOMA) or a Letter of Map Revision—Based on Fill (LOMR–F) to waive the Federal requirement for flood insurance when data is submitted to show that the property or structure is ''reasonably safe from flooding'' and at or above the elevation of the base flood.

Collection of Information

Title: Right to Submit Technical or Scientific Data to Correct Mapping Deficiencies.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0147.

Form Numbers: FEMA Forms 81–87, 81–87A, 81–87B.

Abstract: The certification forms (referred to as MT–1 series forms) are designed to assist requesters in gathering information that FEMA needs to determine whether a certain property is likely to be flooded during the flood event that has a 1-percent annual chance of being equaled or exceeded in any given year (base flood).

FEMA Form 81–87, Property Information, describes the location of the property, what is being requested, and what data are required to support the request.

FEMA Form 81–87A, Elevation Information, indicates what the Base (1-percent annual chance) Flood Elevation (BFE) for the property is, how the BFE was determined, the lowest ground elevation on the property, and/or the elevation of the lowest adjacent grade to any structures on the property. This information is required in order for FEMA to determine if the property that the requester would like removed from the SFHA is at or above the BFE.

FEMA Form 81–87B, Community Acknowledgment, requires that a community official certify that the request complies with minimum floodplain management criteria specified in 44 CFR 60.3, as per NFIP regulations 44 CFR 65.5(a)(4).

Estimated Total Annual Burden Hours:

FEMA forms	No. of respondents (A)	Frequency of response (B)	Hours Per response (C)	Annual burden hours (A x B x C)
81–87	3,300	Annual	1.63	5,379
81–87A	3,300	Annual	0.67	2,211
81–87B	3,300	Annual	0.88	2,904
Total	3,300		3.18	10,494

Estimated Cost. Cost to respondents is estimated to be $346,459 annually, while the cost to the Federal Government is estimated to be $900,000 annually.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

Dated: March 20, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7194 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Request for Mitigation Assistance-Cerro Grande Mitigation Proposal.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0286.

Abstract: The information collected on the Request for Mitigation Assistance—Cerro Grande Mitigation Proposal, (FFCG–4) will be collected by claimants with the assistance of a FEMA mitigation specialist and will be used by mitigation specialist to determine if mitigation funding will be awarded to claimants. The information collection is addressed in the Cerro Grande Fire Assistance Act Final Rule published in the **Federal Register** on March 21, 2001. This data collection will continue until the closing data of August 28, 2003.

Affected Public: Individual or Households.

Number of Respondents: 800.

Estimated Time per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 2,400.

Frequency of Response: On Occasion.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625 or facsimile number (202) 646–3347, or e-mail *muriel.anderson@fema.gov*.

Dated: March 18, 2002.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–7175 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fee Schedule for National Flood Insurance Program Map and Insurance Products

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This Notice contains the revised fee schedule for processing requests for the National Flood Insurance Program (NFIP) map and insurance products available through the FEMA Map Service Center (MSC). The changes in the fee schedule will allow FEMA to reduce further the expenses to the NFIP by recovering more fully the costs associated with producing, retrieving, and distributing particular NFIP map and insurance products. This year, with the implementation of the MSC's new e-commerce site and conversion of the paper maps and studies to digital files, the MSC is also recommending fee charges for the new online Internet requests and CD products.

DATES: The revised fee schedule is effective for all requests dated, May 1, 2002, or later.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Mapping Support Branch, Federal Insurance and Mitigation Administration, 500 C Street SW., Washington, DC 20472; by telephone at (202) 646–2796 or by facsimile at (202) 646–4596 (not toll-free calls), by e-mail at *Frederick.Sharrocks@fema.gov.*

SUPPLEMENTARY INFORMATION: Throughout this Notice, we use ''we,'' ''our,'' and ''us'' to refer to FEMA.

This Notice contains the revised fee schedule for processing requests for NFIP map and insurance products available through the MSC.

Effective Date

The revised fee schedule is effective for all written requests, on-line Internet requests made through the FEMA Flood Map Store, and all telephone requests received on or after May 1, 2002. The revised fee schedule supersedes the current fee schedule for requests for Map and Insurance products, established May 3, 2000.

Evaluations Performed

To develop the revised fee schedule for requests for particular NFIP map and insurance products, we first evaluated the actual costs incurred at the MSC for producing, retrieving, and distributing those products. We then analyzed historical sales, cost data, and product unit costs for unusual trends or anomalies; analyzed the effect of program changes, new products, technology investments, and other factors on future sales and product costs. The products covered by this Notice are discussed in detail below.

Periodic Evaluation of Fees

As indicated in the Notice published in the **Federal Register** on May 3, 2000, a primary component of the fees is the prevailing private sector rates charged to FEMA for labor and materials. Because these rates and the actual production, retrieval, and distribution costs may vary from year to year, we will evaluate the fees periodically and publish a revised fee schedule, when appropriate, as a notice in the **Federal Register** Fee Schedule for Requests for Map and Insurance Products.

Our MSC distributes a variety of NFIP map and insurance products to a broad range of our customers, including Federal, State, and local government officials; real estate professionals; insurance providers; appraisers; builders; land developers; design engineers; surveyors; lenders; homeowners; and other private citizens. Specifically, our MSC distributes the following products:

• Paper (printed) copies of Flood Hazard Boundary Maps (FHBMs);
• Paper (printed) copies of Flood Insurance Rate Maps (FIRMs);
• Paper (printed) copies of Digital Flood Insurance Rate Maps (DFIRMs);
• Paper (printed) copies of Flood Insurance Study (FIS) reports, including the narrative, tables, Flood Profiles, photographs, and other graphics;
• Paper (printed) copies of Flood Boundary and Floodway Maps (FBFMs), when they are included as an exhibit in the FIS;
• Digital Q3 Flood Data files, which FEMA developed by scanning the published FIRM and vectorizing a thematic overlay of flood risks;
• Digital Q3 Flood Data files for Coastal Barrier Resource Areas (CBRA Q3 Flood Data files);
• Community Status Book, which is a report generated by FEMA's Community Information System database that provides pertinent map status information for all identified communities;
• Flood Map Status Information Service (FMSIS), through which FEMA provides status information for effective NFIP maps;
• Letter of Map Change (LOMC) Subscription Service, through which FEMA makes certain types of LOMCs available biweekly on CD-ROM;
• NFIP Insurance Manual (Full Manual), which provides vital NFIP information for insurance agents nationwide;
• NFIP Insurance Manual (Producer's Edition), which is used for reference and training purposes; and
• Community Map Action List (CMAL), which is a bimonthly list of communities and their NFIP status codes.

Based on our review of actual cost data and future trends, we revised our fee schedule for the products listed above to reflect actual production costs (i.e., printing and operating costs). Specifically, we increased both the processing fee and the shipping costs for paper copies of FHBMs, FIRMs, DFIRMs, FBFMs, and FIS reports, and we increased the shipping cost only for the Q3 Flood Data Files, CBRA Flood Data Files, Community Status Book, FMSIS, LOMC Subscription Service, NFIP Insurance Manuals, and CMAL. Federal, State, and local governments continue to be exempt from paying fees for the map products.

The MSC is now preparing to distribute its products in several new ways. While we will continue to ship paper products, we are ready to begin distributing digital products for download directly from the Internet and on CD. The following is a description of the MSC's new digital products:
• Maps on the Web—raster images of the FIRMs and Floodways in TIFF format.
• FIS on the Web—raster images of FIS in PDF format.
• Flood Map CDs without a Database—includes only the raster images of the maps and can be purchased by panel or in community, county, or state kits.
• F–MIT Light on the Web—a free downloadable flood map image view tool, to be used in conjunction with viewing TIFF images that supports panning, zooming, and creating a ''firmette''. A firmette is a user-defined ''cut-out'' section of the map at 100% map scale designed for printing on a standard office printer.
• F–MIT Light on CD—same as F–MIT Light on the Web, designed for use with the Flood Map CD without a Database.
• FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners on CD:* This document combine previous FEMA publications, guidance documents, and memorandums regarding Flood Hazard Mapping. The Guidelines reflect recent changes to processes and products associated with the implementation of the Map Modernization Program, including the Cooperating Technical Partners initiative, new Project Scoping procedures, and digital Flood Insurance Rate Map (DFIRM) specifications.

For more information on the map and insurance products available from the MSC, we invite interested parties to visit our MSC Web site at *http://www.fema.gov/msc.*

We show the revised fee schedule for the current products and the proposed fee schedule for the new products in the table below:

	Fee	Shipping
Paper Product or Service:		
Paper copies of FHBM, FIRM, DFIRM, or FBFM panels.	$2.00 per panel	$0.37 per panel for first 10 panels plus $0.03 for each additional panel.
Paper copies of FIS (not including FBFM panels that are included as exhibit).	$5.00 per FIS volume	$4.00 for first FIS plus $0.40 for each additional FIS.
Hurry Charge for FHBM, FIRM, DFIRM, FBFM, or FIS.	$33.00 per order	Based on product and units shipped; no additional shipping charge if customer provides own shipping account.
Q3 Flood Data Files	$50.00 per CD–ROM	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order
CBRA Q3 Flood Data Files	$50.00 per CD–ROM	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
Community Status Book (Individual Orders)	$2.50 per state	$1.00 per state
	$20.50 for entire U.S.	$4.26 for entire U.S.
Community Status Book (Annual Subscription).	$50.00 per state	Not applicable.
	$250.00 for entire U.S..	
FMSIS (Individual Orders)	$13 per state	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
	$38 for entire U.S.	
FMSIS (Annual Subscription)	$148 per state	Not appllicable.
	$419 for entire U.S..	
LOMC Subscription Service (Individual Orders).	$85 per per issue	$3.65 for first 4 CD–ROMs, plus $0.10 for each additional CD–ROM in the same order.
LOMC Subscription Service (Annual Subscription).	$2,000	Not applicable.

	Fee	Shipping
NFIP Insurance Manual:		
(Full Manual)	$25.00 per copy for complete manual	$4.85 for the initial manual, plus $1.32 for each semi-annual update.
NFIP Insurance Manual (Producer's edition).	$15.00 per copy	$4.85 for the initial manual, plus $1.32 for each semi-annual update.
CMAL	No charge	$1.00 for each list.
Internet Products (Downloaded from the web):		
FIRMs	$1.50 per map panel	None.
FIS	$4.00 per study plus $1.50 per floodway	None.
F–MIT Light (view tool for map images)	Free	N/A.
CD Products:		
Maps on CD without County Database	$1.50 per panel	$3.65 for the first 4 CDs plus $0.10 for each additional CD.
FIS on CD	$4.00 per study plus $1.50 per floodway	$3.65 for the first 4 CDs plus $0.10 for each additional CD.
Priority Handling Charge added to regular charge.	$33.00	N/A.
F–MIT Light on CD (view tool for map images).	Free	$3.65.
FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners on CD*.	$2.60	$3.65.

Payment Submission Requirements

Fee payments for non-exempt requests must be made to us in advance of services being rendered. These payments shall be made in the form of a check or money order or by credit card payment. Checks and money orders must be made payable, in U.S. funds, to the *National Flood Insurance Program*.

We will deposit all fees collected to the National Flood Insurance Fund, which is the source of funding for providing these services.

Dated: March 20, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–7195 Filed 3–25–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 9, 2002.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Thomas Mark Huston, Columbus Junction, Iowa; to retain voting shares of CJSB Bancorporation, Columbus Junction, Iowa, and thereby indirectly retain voting shares of Columbus Junction State Bank, Columbus Junction, Iowa.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7156 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. CSB Financial Corporation, Teaneck, New Jersey; to become a bank holding company by acquiring 22.6 percent of the voting shares of Community State Bank, Teaneck, New Jersey.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7155 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 9, 2002.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Concord EFS, Inc., Memphis, Tennessee; to acquire Core Data Resources, Inc., Amarillo, Texas, and thereby engage in data processing activities, pursuant to § 225.28(b)(14)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, March 20, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.02–7154 Filed 3–25–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act; Meeting

Agency Holding the Meeting: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, April 1, 2002.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR MORE INFORMATION CONTACT: Michelle A. Smith, Assistant to the Board; 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–7393 Filed 3–22–02; 3:42 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Public Workshop: Consumer Information Security

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice Announcing Public Workshop; Requesting Public Comment and Participation; and Correcting Earlier Notice With Respect to Dates of Public Workshop.

SUMMARY: The FTC is planning to host a public workshop to explore issues relating to the security of consumers' computers and the personal information stored in them or in company databases. This notice provides the correct dates for the public workshop.

DATES: The workshop will be held on Monday, May 20, 2002, from 9 a.m. to 5 p.m., and Tuesday, May 21, 2002, from 9 a.m. to 2 p.m., at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.[1]

Pre-registration: The event is open to the public and there is no fee for attendance. However, attendees are strongly encouraged to pre-register, as seating will be limited. To pre-register, please email your name and affiliation by April 29, 2002, to *securityworkshop@ftc.gov.*

Requests to participate as a panelist: As discussed below, written requests to participate as a panelist in the workshop must be filed on or before April 1, 2002. Persons filing requests to participate as a panelist will be notified on or before April 22, 2002, if they have been selected to participate.

Written comments: Whether or not selected to participate, persons may submit written comments on the Questions to be Addressed at the workshop. Such comments must be filed on or before April 29, 2002. For further instructions on submitting comments and requests to participate, please see the ''From and Availability of Comments'' and ''Requests to Participate as a Panelist in the Workshop'' sections below. To read our policy on how we handle the information you may submit, please visit *http://www.ftc.gov/ftc/privacy.htm.*

ADDRESSES: Written comments and requests to participate as a panelist in the workshop should be submitted to: Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Alternatively, they may be e-mailed to *securityworkshop@ftc.gov.*

FOR FURTHER INFORMATION CONTACT: L. Mark Eichorn, Division of Advertising Practices, 202–326–3053, Ellen Finn, Division of Financial Practices, 202–326–3296, or Laura Berger, Division of Financial Practices, 202–326–2471. The above staff can be reached by mail at: Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Background and Workshop Goals

The security of consumers' home computers is an issue of growing importance. The terms ''virus,'' ''worm,'' and ''Trojan horse'' have gained new meanings as ''Melissa,''

[1] An earlier **Federal Register** notice inadvertently provided incorrect dates for the public workshop. *See* 67 FR 10213 (March 6, 2002). This notice provides the correct dates for the public workshop, and is in all other respects substantively identical to the earlier **Federal Register** notice and to the notice and news release posted on the Commission website at http://www.ftc.gov/opa/2002/03/security.htm.

''ILOVEYOU,'' and ''Code Red'' infected computers across the globe. News of hackers' ''exploits'' make front page news. At the same time, more and more consumers access the Internet through ''always on'' DSL or cable Internet connections, which allow quick access to Internet content but also may be vulnerable to attack even when the consumer is not actively using the Internet. As consumers use their computers as repositories for sensitive information such as passwords, financial records, and health information, the potential destruction or disclosure of that information is cause for concern.

Another aspect of consumer security is whether consumers' personal information held by businesses is secure. When consumers interact with businesses—whether to check a bank account balance, register to receive information, or purchase a product or service—those businesses become custodians of consumers' personal information. An employee processing a consumer's payment or a consumer checking his or her account balance may want access to this information, but at the same time businesses face the challenge of securing it from access by external threats such as hackers or even by unauthorized insiders. Should a hacker gain access to a business' customer credit card database, for example, that intrusion may not only have serious consequences for that particular business and the consumer's financial well-being, but may also affect consumers' confidence and willingness to engage in e-commerce generally.

This workshop provides an opportunity for the Commission to explore information security issues that affect consumers. The questions to be addressed at the workshop would include:

1. The Current State of Information Security

- What are the security risks facing consumers?
- Are consumers aware of the risks?
- What are the costs to consumers of security measures and of security failures?
- Do consumers accurately assess security risks?
- How does consumers' security affect the network as a whole?

2. Security Issues Relating to Consumers' Home Information Systems

- What steps can consumers take to reduce their security risks?
- What information resources or security products are available to help consumers protect themselves?
- If consumers' lack of awareness or technical expertise lead to security vulnerabilities, what steps can be taken to raise awareness or educate consumers?
- What types of awareness and education initiatives are currently being pursued?
- What are the ''best practices'' being implemented by businesses to assist consumers in safeguarding their home information system?

3. Security Issues for Businesses that Maintain Consumers' Personal Information

- What practical challenges do businesses face in securing their computer systems, and specifically consumers' personal information that is stored on them?
- What are the costs to businesses of security measures and of security failures?
- What measures can businesses, especially smaller businesses, take to secure their computer systems and the consumer information stored on them?
- What information resources are available to help these businesses?
- What are the ''best practices'' being implemented by businesses to address these issues?

4. Emerging Business Models, Technologies, and Best Practices

- What are the existing business models for security, and are they sustainable over the long term?
- What technologies, business models, or initiative are emerging in the marketplace to address the security of consumers' information?

5. Revising the OECD Security Guidelines

Commissioner Orson Swindle is leading the U.S. delegation to the Organization for Economic Cooperation and Development (''OECD'') Experts Group reviewing the OECD Guidelines for the Security of Information Systems. These voluntary guidelines contain principles which provide a framework for participants to think about information and network security practices, policies, and procedures. The guidelines discuss cultivating a ''culture of security'' and contain nine policy principles for the security of information systems and networks, as well as principles relating to the life cycle of information systems and networks. The guidelines specifically address: raising awareness of security risks; responsibility for the security of information systems; designing security into system architecture; and risk management, assessment, and monitoring. Because the principles provide a helpful framework for thinking about security issues, the Commission plans to present a panel discussion on the Security Guidelines.

Form and Availability of Comments

The FTC requests that interested parties submit written comments on the above questions to facilitate greater understanding of the issues. Of particular interest are any studies, surveys, research, and empirical data. Comments should indicate the number(s) of the specific question(s) being answered, provide responses to questions in numerical order, and use a separate page for each question answered. Comments should be captioned ''Consumer Information Security Workshop—Comment, P024512,'' and must be filed on or before April 29, 2002.

Parties sending written comments should submit an original and two copies of each document. To enable prompt review and public access, paper submissions should include a version on diskette in PDF, ASCII, WorkPerfect, or Microsoft Word format. Diskettes should be labeled with the name of the party, and the name and version of the word processing program used to create the document. Alternatively, comments may be mailed to *securityworkshop@ftc.gov*.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and FTC regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. This notice and, to the extent technologies possible, all comments will also be posted on the FTC website at *www.ftc.gov/securityworkshop.*

Registration Information

The workshop will be open to the public and there is no fee for attendance. As discussed above, pre-registration is strongly encouraged, as seating will be limited. To pre-register, please email your name and affiliation to *securityworkshop@ftc.gov* by April 29, 2002. A detailed agenda and additional information on the workshop will be posted on the FTC's website at *www.ftc.gov/securityworkshop* before May 20, 2002.

Requests To Participate as a Panelist in the Workshop

Those parties who wish to participate as panelists in the workshop must notify

the FTC in writing of their interest in participating on or before April 1, 2002, either by mail to the Secretary of the FTC or by e-mail to *securityworkshop@ftc.gov.* Requests to participate as a panelist should be captioned ''Consumer Information Security Workshop—Request to Participate, P024512.'' Parties are asked to include in their requests a statement setting forth their expertise in or knowledge of the issues on which the workshop will focus and their contact information, including a telephone number, facsimile number, and email address (if available), to enable the FTC to notify them if they are selected. An original and two copies of each document should be submitted. Panelists will be notified on or before April 22, 2002 whether they have been selected.

Using the following criteria, FTC staff will select a limited number of panelists to participate in the workshop. The number of parties selected will not be so large as to inhibit effective discussion among them.

1. The party has expertise in or knowledge of the issues that are focus on the workshop.

2. The party's participation would promote a balance of interests being represented at the workshop.

3. The party has been designated by one or more interested parties (who timely file requests to participate) as a party who shares group interests with the designator(s). In addition, there will be time during the workshop for those not serving as panelists to ask questions.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02–7172 Filed 3–25–02; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services Announces the Following Advisory Committee Meeting

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

Time and Date: 9 a.m. to 5 p.m., April 9, 2002;9 a.m. to 3 p.m., April 10, 2002.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW., Washington, DC.

Status: Open.

Purpose: This meeting will be conducted as a hearing. The Subcommittee will hear testimony and discussion on two topics: One, the potential replacement of the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD–9–CM) Volume 3 (procedures) with the International Classification of Diseases Procedure Coding System (ICD–10–PCS); and two, gaps in the current Health Insurance Portability and Accountability Act of 1996 (HIPAA) medical data code sets.

For More Information Contact: Substantive program information as well as summaries of meetings and a roster of Committee members may be obtained from Karen Trudel, Senior Technical Advisor, Security and Standards Group, Centers for Medicare and Medicaid Services, MS: N2–14–17, 7500 Security Boulevard, Baltimore, MD 21244–1850, telephone: 410–786–9937; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone: (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site:*http://www.ncvhs.hhs.gov/* were an agenda for the meeting will be posted when available.

Dated: March 19, 2002.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 02–7214 Filed 3–25–02; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Health Care Policy and Research Special Emphasis Panel (SEP); Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Health Care Policy and Research Special Emphasis Panel (SEP) meeting.

The Health Care Policy and Research Special Emphasis Panel is a list of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ) and agree to be available, to conduct, on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not meet regularly and do not serve for fixed or long terms. Rather, they are asked to serve for particular review meetings which require their type of expertise.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6). Grant applications for Small Research Project Awards are to be reviewed and discussed at this meeting. These discussions are likely to include personal information concerning individuals associated with these applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *SEP Meeting on:* Health Services Research Small Research Projects.

Date: March 26, 2002 (Open on March 26, from 2:30 p.m. to 2:40 p.m. and closed for remainder of the teleconference meeting).

Place: Agency for Healthcare Research and Quality, 2101 East Jefferson Street, 5th Floor Conference Room, 5W4, Rockville, MD 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of this meeting should contact Mrs. Bonnie Campbell, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1846.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: March 19, 2002.

Lisa Simpson,

Deputy Director.

[FR Doc. 02–7178 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Contract Review Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Technical Review Committee (TRC) meeting. This TRC's charge is to review contract proposals and provide recommendations to the Director, AHRQ, with respect to the technical merit of proposals submitted in response to a Request for Proposals (RFP) regarding an ''Evidence-Based Practice Center (EPC II)''. The RFP was published in the Commerce Business Daily on January 31, 2002.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C.,

Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary information and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: The Agency for Healthcare Research and Quality—''Evidence-Based Practice Center (EPC II)''.

Date: April 9–10, 2002 (Closed to the public).

Place: Agency for Healthcare Research and Quality, 6010 Executive Blvd, 4th Floor, Conference Center, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Jacqueline Besteman, Center for Practice and Technology Assessment, Agency for Healthcare Research and Quality, 6010 Executive Blvd, Suite 300, Rockville, Maryland 20852, 301–594–4017.

Dated: March 14, 2002.

Lisa A. Simpson,

Deputy Director.

[FR Doc. 02–7196 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–32]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Symptoms Associated with the Convalescent Period of a Dengue Infection—New—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC).

Dengue is a vector-borne febrile disease of the tropics transmitted most often by the mosquito *Aedes aegypti.* Symptoms of the acute disease include fever, headache, rash, retro-orbital pain, myalgias, arthralgias, vomiting, abdominal pain and hemorrhagic manifestations.

Many symptoms are mentioned in the medical literature as associated with the convalescent period (3–8 weeks) after dengue infection, including depression, dementia, loss of sensation, paralysis of lower and upper extremities and larynx, epilepsy, tremors, manic psychosis, amnesia, loss of visual acuity, hair loss, and peeling of skin. No epidemiologic study has been conducted to define the timing, frequency and risk factors for these symptoms. The objective of this study is to examine the incidence and characteristics of mental health disorders and other complications associated with dengue infection and convalescence.

The study will be conducted in Puerto Rico, where dengue is endemic and causes severe sporadic epidemics. Laboratory positive confirmed cases of dengue, laboratory negative suspected dengue cases and neighborhood controls will be prospectively enrolled in the study. Person-to-person interviews with adults (age 18 years or greater) will be conducted and information will be collected regarding symptoms experienced during the convalescent phase of the infection. There are no costs to respondents.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Total burden (in hours)
Laboratory positive confirmed dengue	200	2	1	400
Dengue negative control	200	2	1	400
Neighborhood control	200	2	1	400
Total				1200

Dated: March 18, 2002.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–7158 Filed 3–25–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

ICD–9–CM Coordination and Maintenance Committee Meeting; National Center for Health Statistics (NCHS), Data Policy and Standards Staff, Announces the Following Meeting

Name: ICD–9–CM Coordination and Maintenance Committee meeting.

Time and Date: 9 a.m.–5 p.m., April 18–19, 2002.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland.

Status: Open to the public.

Purpose: The ICD–9–CM Coordination and Maintenance (C&M) Committee will hold its first meeting of the 2002 calendar year cycle on Thursday and Friday April 18–19, 2002. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

Matters To Be Discussed: Agenda items include: Asthma, Neurologic topics, Myasthenia gravis in crisis, Sickle Cell disease, delayed separation of umbilical cord, Facial droop, long-term antiplatelet/antithrombotic (aspirin) use, artificial heart status/complications of artificial heart, encounter for insulin pump titration and training, ICD–10 Procedure Classification System (PCS)—Update Classic Infrafascial Semm Hysterectomy (CISH), Laparoscopic Assisted Supracervical Hysterectomy (LASH), intra-arterial blood gas monitoring, multi-level spinal fusion, vascular access device, addenda.

Contact Person for Additional Information: Amy Blum, Medical Classification Specialist, Data Policy and Standards Staff, NCHS, 6526 Belcrest Road, Room 1100, Hyattsville, Maryland 20782, telephone 301/458–4106 (diagnosis), Amy Gruber, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Blvd., Room C4–07–07, Baltimore, Maryland, 21244 telephone 410–786–1542 (procedures).

Notice: In the interest of security, (CMS) has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Notice: This is a public meeting. However, because of fire code requirements, should the number of attendants meet the room capacity, the meeting room will be closed.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 15, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–7185 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Injury Prevention and Control (ACIPC) Family and Intimate Violence Prevention Subcommittee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

Name: ACIPC Family and Intimate Violence Prevention Subcommittee.

Time and Date: 8:30 a.m.–12 p.m., April 16, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: To advise and make recommendations to ACIPC and the Director, National Center for Injury Prevention and Control (NCIPC), regarding feasible goals for prevention and control of family and intimate violence and sexual assault. The Subcommittee will make recommendations regarding policies, strategies, objectives and priorities.

Matters to be Discussed: The Subcommittee will discuss the (1) FY 2002 Activities of NCIPC and the Division of Violence Prevention (DVP), and (2) Overview of Proposed Changes to the ACIPC.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Pamela Chin, Deputy Director, Office of the Director, DVP, NCIPC, CDC, 4770 Buford Highway, NE, M/S K60, Atlanta, Georgia 30341–3724, telephone 770/488–1378.

Name: Science and Program Review Subcommittee (SPRS) and the Advisory Committee for Injury Prevention and Control (ACIPC): Meetings.

Time and Date: 8 a.m.–12 p.m., April 16, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The Subcommittee provides advice on the needs, structure, progress and performance of the National Center for Injury Prevention and Control (NCIPC) programs. The Subcommittee provides second-level scientific and programmatic review for applications for research grants, cooperative agreements, and training grants related to injury control and violence prevention, and recommends approval of projects that merit further consideration for funding support. The Subcommittee also advises on priorities for research to be supported by contracts, grants, and cooperative agreements and provides concept review of program proposals and announcements.

Matters to be Discussed: Agenda items include updates from the Subcommittee's Executive Secretary, the role of the Subcommittee, fiscal year 2002 research Request for Applications, dissemination of extramural research findings, and a progress report on completing and implementing the research agenda.

Name: Advisory Committee for Injury Prevention and Control.

Time and Dates: 1:30 p.m.–5:30 p.m., April 16, 2002. 8:30 a.m.–3 p.m., April 17, 2002.

Place: The Holiday Inn Select Atlanta-Decatur Hotel and Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The Committee advises and makes recommendations to the Secretary, Health and Human Services, the Director, CDC, and the Director, NCIPC, regarding feasible goals for the prevention and control of injury. The Committee makes recommendations regarding policies, strategies, objectives, and priorities, and reviews progress toward injury prevention and control. The Committee provides advice on the appropriate balance of intramural and extramural research, and also provides guidance on the needs, structure, progress and performance of intramural programs, and on extramural scientific program matters. The Committee provides second-level scientific and programmatic review for applications for research grants, cooperative agreements, and training grants related to injury control and violence prevention, and recommends approval of projects that merit further consideration for funding support. The Committee also recommends areas of research to be supported by contracts and cooperative agreements and provides concept review of program proposals and announcements.

Matters to be Discussed: Agenda items include an update from the Director, NCIPC; a review and determination on committee rules and draft criteria for subcommittees and workgroups; workgroup reports; reports from the Science and Program Review Subcommittee and the Family and Intimate Violence Prevention Subcommittee; a presentation and discussion on state health departments and their role in injury prevention and control; current status of injury prevention and control in states; Association of State and Territorial Health Officials' perspective on the challenges of building capacity for injury control and prevention in state health departments;

implementing an injury prevention program in the states; training needs and issues to build capacity in state health departments for injury prevention and control; broadening the focus of injury prevention programs in the areas of intentional and unintentional injury; a presentation on how NCIPC is moving forward; discussion and recommendations from the Committee; progress report on the research agenda; update on NCIPC's Tenth Anniversary Events; and recommendations for presentation to the Committee.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Louise Galaska, Executive Secretary, ACIPC, NCIPC, CDC, 4770 Buford Highway, NE, M/S K02, Atlanta, Georgia 30341–3724, telephone 770/488–4694.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 15, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–7184 Filed 3–25–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 66 FR 56562–63, dated November 8, 2001) is amended to establish the organizational structure within the National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

After the mission statement for the *National Center on Birth Defects and Developmental Disabilities (CF),* insert the following:

Office of the Director (CF1). (1) Directs, manages, and coordinates the activities of the National Center on Birth Defects and Developmental Disabilities (NCBDDD); (2) develops goals and objectives; provides leadership, policy formulation, scientific oversight, and guidance in program planning and development; (3) coordinates NCBDDD program activities with other CDC components, Federal agencies, international organizations, State and local health agencies, business and industry, voluntary organizations, and community-based organizations; (4) coordinates technical assistance to states, other nations and international organizations; (5) coordinates with medical, scientific, and other professional organizations interested in birth defects prevention, pediatric genetics, developmental disabilities prevention, and disabilities and health; (6) advises the Director, CDC, on policy matters concerning NCBDDD activities.

Resource Management Office (CF12). (1) Plans, coordinates, and provides administrative and management advice and guidance for NCBDDD; (2) provides and coordinates Center-wide administrative, management, and support services in the areas of fiscal management, personnel, travel, procurement, facility management, and other administrative services; (3) prepares annual budget plans and budget justifications; (4) coordinates NCBDDD requirements relating to contracts, grants, cooperative agreements, and reimbursable agreements; (5) develops and implements administrative policies, procedures, and operations, as appropriate, for NCBDDD, and prepares special reports and studies, as required, in the administrative management areas; (6) maintains liaison with related staff offices and other officials of CDC.

Division of Birth Defects and Developmental Disabilities (CF2). (1) Conducts research to determine the causes and prevention of birth defects and developmental disabilities; (2) maintains and expands support for state-based surveillance; (3) evaluates the effectiveness of efforts to prevent birth defects and developmental disabilities; (4) conducts and disseminates findings of epidemiologic research, investigations, demonstrations, and programs directed toward the prevention of selected adverse reproductive outcomes that are environmentally related; (5) provides assistance to State and local health departments on community exposures to terotogenic, mutagenic, embryotoxic, other environmental agents, and genetic influences adversely interfering with normal growth and development; (6) conducts research and develops programs to identify women at high risk of an alcohol-exposed pregnancy and to fund epidemiologic and clinical research studies aimed at early identification and intervention of children affected by prenatal alcohol exposure; (7) works closely with international organizations and entities in developing strategies and programs for reducing the number of birth defects and developmental disabilities; (8) develops and evaluates prevention strategies and provides training, technical consultation, and assistance to States and localities in developing their capacity for planning, establishing, and maintaining surveillance and prevention programs; (9) maintains and oversees funding and technical assistance to state-based institutions (e.g., the Centers for Birth Defects Research and Prevention that seek causes and promotes prevention of birth defects; (10) plans, develops, establishes, and maintains systems of surveillance including registries for monitoring, evaluating and disseminating information; (11) assists in increasing the capacity of States to prevent and control birth defects and developmental disabilities through training, technology transfer, grants, cooperative agreements, contracts, and other means; (12) provides information and education to the public; (13) provides services, consultation, technical assistance, and information to States, localities, other Federal agencies, international organizations, and other public and private organizations; (14) provides training in the epidemiology to professionals throughout the U.S. and abroad; and (15) collaborates and coordinates activities with other CIOs and HHS agencies.

Division of Human Development and Disability (CF3). (1) Conducts, analyzes, and disseminates disability surveillance data to identify: the distribution of disabilities in state populations; health conditions that occur with greater frequency among people with disabilities relative to those without disability; and risk and protective behaviors compared to people without disabilities; (2) assists States and localities with the development, monitoring and evaluation of blood spot screening and early hearing detection and intervention (EHDI) tracking and surveillance systems; (3) plans, establishes, and maintains systems of surveillance, including registries, for monitoring, evaluating, and disseminating information on disability and related conditions and detrimental child outcomes; (4) oversees and manages grants, cooperative agreements, contracts, and other funding instruments related to Division

programs; (5) assists States and localities in developing their capacity for serving individuals with disabilities and secondary conditions (e.g., developing prevention strategies, providing training and technical consultation); (6) collaborates with universities, Federal, national, and State organizations to identify and address knowledge and research gaps in disability, hearing and vision loss, child development, and blood spot screening; (7) collaborates with universities and other organizations to investigate environmental, social, and technological supports to promote social participation and human development; (8) conducts applied research on public health aspects of normal and abnormal child development (e.g., early childhood, behavior problems in children); (9) conducts research on etiology of hearing loss and associated disabilities, cost and effectiveness of EHDI programs, family issues related to the EHDI programs and long-term benefits of early identification and intervention; (10) conducts research on interventions to prevent adverse child developmental outcomes; (11) conducts and disseminates research findings about people with disabilities, with special emphasis on women, children, and older persons; (12) develops and disseminates information on public health aspects of normal and abnormal child development (e.g., early childhood, hearing loss, behavior problems in children); (13) provides information and education to the public on disabilities; and (14) develops programs that seek to identify health risks, protective factors and measure the effectiveness of health promotion activities for prevention of conditions related to disability.

Dated: March 15, 2002.

Jeffrey P. Koplan,

Director.

[FR Doc. 02–7157 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–P–0015SPA]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. Due to the events of September 11, 2001, the timing of this proposed information collection has been negatively affected. We are requesting Emergency OMB review for this supplement since this is a beneficial survey and it can do no harm if OMB acted upon this sooner than the normal timeframe. The 60-day **Federal Register** notice was published on January 8, 2002, for which we solicited public comment. CMS is requesting OMB review and approval of this collection by April 25, 2002, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by April 22, 2002.

Type of Information Collection Request: New collection; *Title of Information Collection:* Medicare Current Beneficiary Survey—Supplement on Patient Activation; *Form No.:* CMS–P–0015SPA (OMB# 0938–NEW); *Use:* A primary theme of the NMEP education efforts has been to help Medicare beneficiaries make choices. Simply providing uniform information to an undifferentiated audience is not sufficient. CMS needs to know whether beneficiaries have the communication skills, motivation and basic knowledge of their own health status to be partners in their own health care. The purpose of this survey supplement is to assess the degree to which Medicare beneficiaries participate actively in their own health care decisions.; *Frequency:* One-time; *Affected Public:* Individuals or households; *Number of Respondents:* 16,000; *Total Annual Responses:* 16,000; *Total Annual Hours:* 2,666.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by April 22, 2002: Centers for Medicare and Medicaid Services, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262. Attn: Dawn Willinghan, CMS–P–0015SPA; and, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Eydt, CMS Desk Officer.

Dated: March 20, 2002.

Julie Brown,

Acting, CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7209 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–250 through 254, CMS–10008, and CMS–287]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

(1.) *Type of Information Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Secondary Payer Information Collection and Supporting Regulations in 42 CFR 411.25, 489.2, and 489.20; *Form Number:* CMS–250 through CMS–254 (OMB# 0938–0214); *Use:* Medicare Secondary Payer (MSP) is essentially the same concept known in the private insurance industry as coordination of benefits and refers to those situations where Medicare does not have primary responsibility for paying the medical expenses of a Medicare beneficiary. CMS contracts with health insuring organizations, herein referred to as intermediaries and carriers, to process Medicare claims. CMS charges its Medicare intermediaries and carriers with various tasks to detect MSP cases; develops and disseminates tools to enable them to better perform their tasks; and monitors their performance in achievement of their assigned MSP functions. Because intermediaries and carriers are also marketing health insurance products that may have liability when Medicare is secondary, the MSP provisions create the potential for conflict of interest. Recognizing this inherent conflict, CMS has taken steps to ensure that its intermediaries and carriers process claims in accordance with the MSP provisions, regardless of what other insurer is primary. These information collection requirements describe the MSP requirements and consist of the following:

1. Initial enrollment questionnaire
2. MSP claims investigation, which consists of first claim development, trauma code development, self-reporting MSP liability development, notice to responsible third party development (411.25 notice), secondary claims development, and ''08'' development (involving claims where information cannot be obtained from the beneficiary)
3. Provider MSP development, which requires the provider to request information from the beneficiary or representative during admission and other encounters; *Frequency:* On occasion; *Affected Public:* Individuals or households, business or other for-profit, and not-for-profit institutions; *Number of Respondents:* 867,863,540; *Total Annual Responses:* 867,863,540; *Total Annual Hours Requested:* 2,779,942.

(2.) *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Recognition of Pass-Through Payment for Drugs and Biologicals Under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR 419.43 formerly known as ''Recognition of New Technology/Pass-Through Items Under the Prospective Payment System for Hospital Outpatient Services''; *Form No.:* CMS–10008 (OMB# 0938–0802); *Use:* This information is necessary to determine items eligible for payment as new technology within the ambulatory payment classification (APC) system as well as items eligible for the transitional pass-through payment provision as required by section 201 of the BBRA. This collection will enable CMS to implement those special payment provisions; *Frequency:* On Occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 55; *Total Annual Responses:* 55; *Total Annual Hours:* 193.

(3.) *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home Office Cost Statement and Supporting Regulations in 42 CFR 413.17 and 413.20; *Form No.:* CMS–287 (OMB# 0938–0202); *Use:* Medicare law permits components of chain organizations to be reimbursed for certain costs incurred by the chain home offices. The Home Office Cost Statement is required by the fiscal intermediary to verify Home Office Costs claimed by the components. *Frequency:* Annually; *Affected Public:* Not-for-profit institutions and business or other for-profit; *Number of Respondents:* 1,231; *Total Annual Responses:* 1,231; *Total Annual Hours Requested:* 573,646.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer:

OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 12, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7210 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[CMS–339]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) if the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. This is necessary to ensure compliance with 5 U.S.C. 1395g and 42 CFR 413.20 and 413.24. We cannot reasonably comply with the normal clearance procedures because the approval for this collection was inadvertently allowed to lapse. The CMS–339's purpose is to assist the provider in preparing an acceptable cost report and to minimize subsequent contact between the provider and its intermediary. If the information is not collected, then the fiscal intermediary will have to go onsite to each provider to get this information. Consequently, it is far less burdensome and extremely cost effective to capture this information through the CMS–339. It is essential to have this information to maintain the provider profile and to scope (i.e., special, limited or full) the audit.

We are currently working on elimination of form CMS–339 and including the applicable questions on the individual cost report forms. In an effort to eliminate the requirement for information no longer needed, we reviewed the comments received from the Federation of American Hospitals, American Hospital Association, and others. This resulted in our issuance of Program Memorandum A–01–137, entitled Modification to Form CMS–339 Requirements, Provider Cost Reimbursement Questionnaire. This has deleted Exhibit 6, Providers Owners/Management Personnel Compensation Exhibit. It has eliminated several questions from other exhibits for all providers. Exhibits 2, 3, and 4, Provider-Based Physicians, were eliminated for many providers.

We intend to revise the CMS–339 if the revisions planned for the cost reports are not operational before we have completely implemented the revised forms CMS–885 (Provider enrollment) (there are redundancies between the forms CMS–339 and 855). Those forms will not have been collected from all providers until three years after OMB approval. If the cost reports are revised to include the pertinent questions from the form CMS–339 (and the latter form eliminated) before the end of that three year period, we will then remove those questions from the cost reports.

CMS is requesting OMB review and approval of this collection by March 29, 2002, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by March 28, 2002. We published a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements on February 8, 2002. We will submit the requirements for OMB review and an extension of this emergency approval during the 180-day approval period.

Type of Information Collection Request: Reinstatement of a previously approved collection.

Title of Information Collection: Medicare Provider Cost Report Reimbursement Questionnaire and Supporting Regulations in 42 CFR 413.20, 413.24, 415.50, 415.55, 415.60, 415.70, 415.150, 415.152, 415.160, and 415.162.

Form No.: CMS–339 (OMB# 0938–0301).

Use: The Medicare Provider Cost Report Reimbursement Questionnaire must be completed by all providers to assist in preparing an acceptable cost report, to ensure proper Medicare reimbursement, and to minimize subsequent contact between the provider and it fiscal intermediary. It is designed to answer pertinent questions about key reimbursement concepts found in the cost report and to gather information necessary to support certain financial and statistical entries on the cost report. In addition, it provides an audit trail for the fiscal intermediary.

Frequency: Annually.

Affected Public: Business or other for-profit, not-for-profit institutions, and State, local and tribal government.

Number of Respondents: 33,144.

Total Annual Responses: 33,144.

Total Annual Hours: 1,342,332.

We have submitted a copy of this notice to OMB for its review of these information collections. A notice will be published in the **Federal Register** when approval is obtained.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by March 28, 2002.

Centers for Medicare and Medicaid Services, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262. Attn: Julie Brown, CMS–339, and,

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167 Attn: Allison Eydt, CMS Desk Officer.

Dated: March 20, 2002.

Julie Brown,

Acting CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–7211 Filed 3–25–02; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631–02–01]

Developmental Disabilities: Notice of Availability of Financial Assistance and Request for Applications To Fund Family Support Model Demonstration Projects Under the Projects of National Significance Program

AGENCY: Administration on Developmental Disabilities (ADD), ACF, DHHS.

ACTION: Notice.

SUMMARY: The Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), is accepting

applications for Fiscal Year 2002 Family Support Demonstration Projects.

This Program Announcement No. 93631–02–01 consists of five parts. Part I, the Introduction, discusses the goals and objectives of ACF and ADD. Part II provides background information on ADD for applicants. Part III describes the application review process. Part IV contains several components including: description of eligible applicants, purpose of project funds, requirements of project design, and evaluation criteria. Part V describes the process for preparing and submitting the application.

Grants will be awarded under this Program Announcement subject to the availability of funds for support of these activities.

DATES: The closing date for submittal of applications under this announcement is May 28, 2002.

Deadline

Applications Submitted by Mail

Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, ACF/Office of Grants Management, 370 L'Enfant Promenade SW., Mail Stop 326F, Washington, DC 20447–0002, Attention: Lois B. Hodge. Any applications received after 4:30 p.m. on the deadline date will not be considered for competition.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private metered postmarks shall not be acceptable as proof of timely mailing.

Application Submitted by Courier

Applications *handcarried* by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, Monday through Friday (excluding Federal holidays), at the U.S. Department of Health and Human Services, ACF/Office of Grants Management, ACF Mailroom, 2nd Floor (near Loading Dock), Aerospace Center, 901 D Street, SW., Washington, DC 20024. Applicants using express/overnight services should allow two working days (Monday through Friday, excluding holidays) prior to the deadline date for receipt of applications. (**Note** to applicants: Express/overnight mail services do not always deliver at the time to which they agreed.)

Receipt of Applications: Applications must either be hand delivered or mailed to the addresses listed above (under DEADLINE). ACF cannot accommodate transmission of applications by fax or through other electronic media. Applications transmitted electronically will not be accepted. Videotapes and cassette tapes may not be included as part of a grant application for panel review.

Additional material will not be accepted, or added to an application, unless it is postmarked by the deadline date.

Late Applications: Applications that do not meet the criteria above are considered late applications. ADD shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: The Administration for Children and Families (ACF) may extend application deadlines when circumstances such as acts of God (e.g., floods, hurricanes) occur, or when there is widespread disruption of the mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

FOR FURTHER INFORMATION CONTACT: For information about the application process, program information and application materials contact, Administration for Children and Families (ACF), Joan Rucker, 370 L'Enfant Promenade, SW., Mail Stop 300–F, Washington, DC, 20447, 202/690–7898; or *add@acf.dhhs.gov.*

Copies of this program announcement and many of the required forms may be obtained electronically at the ADD World Wide Web Page: *http://www.acf.dhhs.gov/programs/add/.*

Notice of Intent To Submit Application: If you intend to submit an application, please contact, Joan Rucker of ADD at (202) 690–7898 within 15 days of the date of this announcement. Please give the number, and title of this announcement, your organization's name and address, and your contact person's name, phone and fax numbers, and e-mail address. The information will be used to determine the number of expert reviewers needed and to update the mailing list for Program Announcements.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). ADD shares goals with other ACF programs that promote the economic and social well being of families, children, individuals and communities. ACF and ADD envision:

- Families and individuals empowered to increase their own economic independence and productivity;
- Strong, healthy, supportive communities having a positive impact on the quality of life and the development of children;
- Partnerships with individuals, front-line service providers, communities, States and Congress that enable solutions which transcend traditional agency boundaries;
- Services planned and integrated to improve client access;
- A strong commitment to working with Native Americans, persons with developmental disabilities, refugees and migrants to address their needs, strengths and abilities; and
- A community-based approach that recognizes and expands on the resources and benefits of diversity.

These goals will enable individuals, including people with developmental disabilities; to live productive and independent lives integrated into their communities.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs to promote the self-sufficiency and protect the rights of persons with developmental disabilities. ADD implements the Developmental Disabilities Assistance and Bill of Rights Act (the DD Act) that was reauthorized in 2000. The DD Act defines developmental disabilities, reauthorizes four major programs under ADD, devolves advocacy authority to the States, promotes consumer oriented systems change and capacity building activities and facilitates network formations.

This Act supports and provides assistance to States, public, private nonprofit agencies, and organizations to assure that individuals with

developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, integration and inclusion into the community.

The Act established, in part, as the policy of the United States:

- Individuals with developmental disabilities have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;
- Individuals with developmental disabilities and their families are the primary decision makers regarding the services and supports such individuals and their families receive; and play decision making roles in policies and programs that affect the lives of such individuals and their families; and
- Services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preference, and cultural differences.

Toward these ends, ADD seeks: to enhance the capabilities of families in assisting people with developmental disabilities to achieve their maximum potential; to support the increasing ability of people with developmental disabilities to exercise greater choice and self-determination; to engage in leadership activities in their communities; as well as to ensure the protection of their legal and human rights.

The four programs funded under the DD Act are:

(1) State Council on Developmental Disabilities that engage in advocacy, capacity building and systematic change activities.

(2) Protection and Advocacy System (P&A's) that protect the legal and human rights of individuals with developmental disabilities.

(3) The National Network of University Centers for Excellence in Developmental Disabilities (UCDD's) that engages in training, outreach and dissemination activities.

(4) The Projects of National Significance (PNS), including Family Support Grants, support the development of family centered and directed systems for families of children with disabilities.

All ADD programs must engage in activities related to advocacy, capacity building and systems change in one or more areas of emphasis. These areas of emphasis are: child-care related activities; early intervention and education activities; employment-related activities; health-related activities; housing-related activities; recreation-related activities; transportation-related activities; and quality assurance activities.

C. Statutory Authorities Covered Under This Announcement

This announcement is covered under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15000, *et.seq.* The Projects of National Significance are Part E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15081, *and et.seq.* Provisions under this section provides for the award of grants, contracts, or cooperative agreements for projects of national significance that support the development of national and state policies that reinforce and promote the self-determination, independence, productivity, and integration and inclusion in all facets of community life of individuals with developmental disabilities through family support activities, data collection and analysis, technical assistance to entities that provide family support and data collection activities and other projects of sufficient size and scope that hold promise to expand or improve opportunities for individuals with developmental disabilities.

Part II. Background Information For Applicants

A. Description of Family Support Program

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C., *et. Seq.* was authorized on October 30, 2000. The DD Act includes a new Title II, the ''Families of Children With Disabilities Support Act of 1999''. The purpose of this new family support program is for states to create or expand statewide systems change. It allows for the award of competitive, grants to conduct training, technical assistance, and other national activities designed to address the problems that impede the self-sufficiency of families with children with disabilities. Although funds have never been appropriated, ADD intends to promote the intent of Title II, by awarding Family Support Grants through the provisions stated in Subtitle E—Projects of National Significance.

Part III. The Application Review

A. Eligible Applicants

Only public or non-profit private entities, *not individuals,* are eligible to apply under this announcement. All applications developed jointly by more than one agency or organization must identify only one organization as the lead organization and the official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

Any nonprofit organization submitting an application must submit proof of its nonprofit status in its application at the time of submission. The nonprofit agency can accomplish this by submitting a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, *or* by providing a copy of a valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation is located. ADD cannot fund a nonprofit applicant without acceptable proof of its nonprofit status.

Before applications under this Program Announcement are reviewed, each one will be screened to determine whether the applicant is eligible for funding. Applications from organizations that do not meet eligibility requirements will not be considered or reviewed in the competition, and the applicant will be so informed.

Faith-based organizations are eligible to apply for these family support grants if they meet the eligibility requirements stated above. All applicants must submit a letter of designation as the lead entity for coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities. The designation must be by the Chief Executive Officer of their State.

B. Review Process and Funding Decisions

Applications from eligible applicants received by the deadline date will be reviewed and scored by experts in the field, generally persons from outside of the Federal Government. Reviewers will use the evaluation criteria listed elsewhere in this announcement to review and to score the applications. The results of this review are a primary factor in making funding decisions.

ADD reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding

sources when this is determined to be in the best interest of the Federal Government or the applicant.

Grantees funded by ADD may be requested to cooperate in evaluation efforts funded by ADD. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular program description.

ADD expects all applications to focus on or feature: services to culturally diverse or ethnic populations among others; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations administering or delivering of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

This year, an additional five (5) points will be awarded in scoring for any project that demonstrates in their application a partnership and collaboration with any of the 140 Empowerment Zones/Enterprise Communities. To receive the 5 points, the application must specify how the involvement of the EZ/EC is related to the objectives and/or the activities of the project. The application must also include a letter from an authorized representative of the EZ/EC indicating its agreement to participate and describing its role in the project. Applications submitted for implementation funds must include a letter from the EZ/EC pledging its continued support.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ADD may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Process

Using the evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal Government) will review and score the applications. To facilitate this review, applicants should ensure that they address each minimum requirement in the program description under each section of the Project Narrative Statement.

Reviewers will: determine the strengths and weaknesses of each application in terms of the evaluation criteria listed below, provide comments, and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each applicant may receive per section in the review process.

D. Structure of Program Description

The program description is composed of the following sections:

- *Eligible Applicants*: This section specifies the type of organization that is eligible to apply under the particular program description. Specific restrictions are also noted, where applicable.
- *Purpose*: This section presents the basic focus and/or broad goal(s) of the program description.
- *Background Information*: This section provides the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular program activity. Relevant information on projects previously funded by ACF and/or other State models are noted, where applicable.
- *Evaluation Criteria*: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to need for assistance, results expected, project design, and organizational and staff capabilities. Inclusion and discussion of these items is important since the information provided will be used by the reviewers in evaluating the application against the evaluation criteria.
- *Minimum Requirements for Project Design*: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers to evaluate the applications against the evaluation criteria. Project products, continuation of the project after Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.
- *Project Duration*: This section specifies the maximum allowable length of the project period; it refers to the amount of time for which Federal funding is available.
- *Federal Share of Project Costs*: This section specifies the maximum amount of Federal support for the project.
- *Matching Requirement*: This section specifies the minimum non-Federal contribution, either cash or in-kind match, required.
- *Anticipated Number of Projects to Be Funded*: This section specifies the number of projects ADD anticipates funding under the program description.
- *CFDA*: This section identifies the Catalog of Federal Domestic Assistance (CFDA) number and title of the program under which applications in this program description will be funded. This information is needed to complete item 10 on the SF 424.

Applications that are more clearly focused on, and directly responsive to, the concerns of the program description usually score better than those that are less specific and generally defined. Applicants are encouraged to tailor their responses according to the specific requirements of the program description.

E. Available Funds

Subject to the availability of funding, ADD intends to award new grants resulting from this announcement during the fourth quarter of fiscal year 2002. The size of the awards will vary. The program description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term ''budget period'' refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term ''project period'' refers to the total time a project is approved for support, including any extensions.

F. Grantee Share of Project Costs

Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must include a match of at least $33,333 (total project cost is $133,333, of which $33,333 is 25%).

An exception to the grantee cost-sharing requirement relates to applications originating from American Samoa, Guam, the Virgin Islands, and

the Commonwealth of the Northern Mariana Islands. Applications from these areas are covered under Section 501(d) of P. L. 95–134, as amended, which requires that the Department waive any requirement for local matching funds for grants under $200,000.

The applicant contribution must generally be secured from non-Federal sources. Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. However, funds from some Federal programs benefiting Tribes and Native American organizations have been used to provide valid sources of matching funds. If this is the case for a Tribe or Native American organization submitting an application to ADD, that organization should identify the programs which will be providing the funds for the match in its application. If the application successfully competes for PNS grant funds, ADD will determine whether there is statutory authority for this use of the funds. The Administration for Native Americans and the DHHS Office of General Counsel will assist ADD in making this determination.

G. General Instructions for the Uniform Project Description

The following ACF Uniform Project Description (UPD) has been approved under OMB Control Number 0970–0139.

Applicants required to submit a full project description should prepare the project description statement in accordance with the following instructions.

Project summary/abstract: Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and need for assistance: Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or benefits expected: Identify the results and benefits to be derived. Extent to which the applicant is consistent with the objectives of the application, and the extent to which the application indicates the anticipated contributions to policy practice, theory and/or research. Extent to which the proposed project cost is reasonable in view of the expected results.

Approach: Outline a plan of action that describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Organizational Profile: Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, *or* by providing a copy of the currently valid IRS tax exemption certificate, *or* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

H. Closed Captioning for Audiovisual Efforts

Applicants must include closed captioning and audio description in the development of any audiovisual products.

Part IV. Fiscal Year 2002 Families of ChildrenWith Disabilities Support Projects—Description and Requirements

Eligible Applicants: Eligibility applicants include a State entity, unit or office designated by the chief executive officer of the state as the lead agency for this project. Proof of designation as lead agency by the governor/CEO must be submitted with the application. Applicants awarded new and implementation grants last year (FY 2001) under this announcement are not eligible. Applicants awarded grants in Fiscal Year 2000 are eligible to apply for implementation funds. Applicants who have never received grants under this announcement are eligible to apply for funds.

Purpose: Project funds must be utilized to support systems change activities to assist each State with developing, implementing, expanding or enhancing, a statewide system of family support for families of children with disabilities designed to be family-centered, family-directed, culturally competent, community-centered, and comprehensive. This system will:

(1) Ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

(2) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

(3) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

(4) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to

increase participation, choice, and control in the provision of family support for families of children with disabilities;

(5) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in these projects; and

(6) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures that facilitate or impede the availability or provision of family support for families of children with disabilities.

Background Information: Promoting family support for families with a child with a disability is a new stage in the federal goal development of disability policy. Historically, families with a child with a severe disability would only receive support once the child was placed in a state institution. In recent decades, disability policies have progressed to promote a more family-centered approach to service provision; indeed, many states have initiated family support legislation. This accomplishment is often the result of initiatives developed by the state developmental disabilities councils. Currently, all the states plus the District of Columbia offer some type of family support program. This support consists of any community-based service administered or financed by the state MR/DD agency providing for vouchers, direct cash payments to families, reimbursement, or direct payments to service providers which the state agency itself identified as family support. A broad range of services that fall within family support including—cash subsidy payments, respite care, family counseling, architectural adaptation of the home, in-home counseling, sibling support programs, education and behavior management services and the purchase of specialized equipment. Family support is a growing expenditure in state budgets. Family support expenditures advanced from $569 million for 279,266 families in 1996 to $1.0 billion for 385,414 families in 2000. Family support spending constituted 3.6 percent of total MR/DD state resources in 2000, up from 2.3% in 1996. All 50 states reported a family support initiative in either cash subsidy, or other family support activity. (Braddock, D., Hemp, R., Rizzolo, M.C., Parish, S. & Pomeranz, A. (2002). The State of the States in Developmental Disabilities: 2002 Study Summary. Boulder, CO: Coleman Institute for Cognitive Disabilities & Department of Psychiatry, University of Colorado).

The Federal government's involvement in family support began in 1982 with what is known as the ''Katie Beckett Waiver''. This provision amended the Medicaid law to give states the option to waive the deeming of parental income and resources for any child eighteen years of age and under who is eligible for placement in a Medicaid certified long term care institution or hospital, ICF/MR or nursing home. This waiver allows parents access to an array of family, home and community supports. Many states use this option, which requires states to determine that (1) the child requires the level of care provided in an institution; (2) it is appropriate to provide care outside the facility; and (3) the cost of care at home is no more than the cost of institutional care. In states that use this option, parents may choose either institutional or community care for their Medicaid eligible children.

Federal disability policy in the 1980s increasingly began to reflect the principles of family-centered, community-based, coordinated care as Federal programs were established or reauthorized. Among these were:

(1) The Temporary Respite Care and Crisis Nurseries Act of 1986 that funded a variety of in-home and out-of-home respite programs;

(2) a new Part H for infants, toddlers, and their families was added in 1986 to the then Education of the Handicapped Act;

(3) the reauthorization of the Maternal and Child Health Care Block grant in 1989 emphasized these principles in it's Children with Special Health Care Needs program; and

(4) a definition of family support services was added in 1990 to the Developmental Disabilities Assistance and Bill of Rights Act.

Minimum Requirements for Project Design: ADD expects grant funds to maximize opportunities for systems change to ensure the provision of family support to families of children with disabilities through the collaboration and strengthening of community action service organizations. Project activities should accomplish any of the following:

- Establishment of a state policy council of families with children with disabilities or utilize an existing council which will advise and assist the lead entity in the performance of activities of this application. The State Policy Council shall be composed of a majority of participants who are family members of children with disabilities and/or who are youth with disabilities (ages 18–21);
- Training and technical assistance for family members, service providers, community members, professionals, members of the Policy Council, state agency staff, students and others;
- Interagency coordination of Federal and State policies, resources, and services; interagency workgroups to enhance public funding options and coordination; and other interagency activities that promote coordination;
- Outreach to locate families who are eligible for family support and to identify groups who are underserved or unserved;
- Policy studies that relate to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities;
- Hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families;
- Public awareness and education to families of children with disabilities, parent groups and organizations, public and private agencies, students, policymakers, and the general public;
- Needs assessment;
- Data collection and analysis related to the statewide system of family support for families of children with disabilities;
- Implementation plans to utilize generic community service organizations in innovative partnerships to include families of children with disabilities;
- Pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities;
- Evaluation system using measurable outcomes based on family satisfaction indicators. Indicators include the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

ADD expects to fund applications that include or incorporate into these activities one or more of the following populations relevant to their state: (1) Unserved and underserved populations which includes populations such as individuals from racial and ethnic minority backgrounds, economically disadvantaged individuals, individuals with limited-English proficiency, and individuals from underserved geographic areas (rural or urban); (2) aging families of adult children with disabilities who are over age 21 with a focus on assisting those families and their adult child to be included as self-determining members of their communities; (3) foster/adoptive families of children with disabilities; (4) families participating in the state's Temporary Assistance to Needy

Families Program (TANF) , welfare-to-work, and/or SSI program; (5) veterans with families having a child with a disability; (6) parents with disabilities, especially with cognitive disabilities, having children with or without disabilities; and 7) families of children with behavioral/emotional issues.

ADD intends to fund those applications that describe how the project intends to:

- Ensure consumer/self-advocate orientation and participation.
- Include key project personnel with direct life experience with living with a disability.
- Have strong advisory components that consist of a majority of individuals with disabilities and a structure where individuals with disabilities make real decisions that determine the outcome of the grant.
- If applicable, research should reflect the principles of participatory action.
- Consider cultural competency (''cultural competency'' as defined in the DD Act as—services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behavior of individuals who are receiving the services, supports or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.
- Will allow individuals with disabilities and their families to be involved in all aspects of the design, implementation, and evaluation of the project.
- Attention to unserved and inadequately served individuals, having a range of disabilities from mild to severe, from multicultural backgrounds, rural and inner-city areas, migrant, homeless, and refugee families, with severe disabilities.
- Comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as amended by the Rehabilitation Act amendments of 1998 (Pub. L. 105–220).
- Use collaboration through partnerships and coalitions.
- Develop the capacity to communicate and disseminate information and technical assistance through e-mail and other effective, affordable, and accessible forms of electronic communication.
- Develop and establish system change activities beyond project period.

Disseminate models, products, best practices, and strategies for distribution between networks and beyond.

Applications must also include provisions for the travel of a key staff person during the project period to Washington, DC.

(1) *Evaluation Criteria:* Four (4) criteria will be used to review and evaluate each application under this announcement. Each of these criterion should be addressed in the project description section of the application. The point values indicate the maximum numerical weight possible for a criterion in the review process. The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description. Additional information that must be included is described below.

Criterion 1: Objectives and Need for Assistance (Maximum 25 points)

The application must describe the context of the proposed demonstration project, including the geographic location, environment, magnitude and severity of the problem(s) to be solved and the needs to be addressed. Those eligible applicants applying for implementation funds, in addition to providing the following information, please submit a summary/abstract of the project goals and accomplishments during the first year of your grant.

Applicant must:

(1) Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution; (7 points)

(2) Demonstrate the need for the assistance and state the principal and subordinate objectives for the project; (8 points)

(3) Provide supporting documentation or other testimonies from concerned interests other than the applicant; (5 points)

(4) Provide any relevant data based on planning studies; and (4 points) provide maps and other graphic aids. (1 point)

Criterion 2: Results or Benefits Expected (Maximum 20 points)

Identify results and benefits to be derived. The anticipated contribution to policy, practice, theory and/or research should be indicated.

Applicant must:

(1) Clearly describe project benefits and/or results as they relate to the objectives of the project; (10 points); and

(2) Provide information as to the extent to which the project will build on current theory, research, evaluation and best practices to contribute to increased knowledge of understanding the problems, issues or effective strategies and practices in family support. (10 points)

Criterion 3: Approach (Maximum 35 points)

Discuss the criteria to be used to evaluate the results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. Applicants are expected to present a plan that (1) reflects an understanding of the characteristics, needs and services currently available to the targeted population; (2) provides services that directly address the needs of the target population; (3) is evidence based and grounded in theory and practice; (4) is appropriate and feasible; (5) can be reliably evaluated; and (6) if successfully implemented, can be sustained after Federal funding has ceased.

Applicant must:

(1) Outline a plan of action pertaining to the scope and detail how the proposed work will be accomplished for each project. Define goals and specific measurable objectives for the project; (8 points)

(2) Cite factors which might accelerate or decelerate the work and provide reasons for taking this approach as opposed to others; (3 points)

(3) Describe any unusual features of the project, such as design or technological innovation, reductions in cost or time, or extraordinary social and community involvement; (5 points)

(4) Provide for each assistance program quantitative projects of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, the activities should be listed in chronological order to show the schedule of accomplishments and their target dates; (4 points)

(5) Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Describe how the proposed project will be evaluated to determine the extent to which it has achieved its stated goals and objectives; and whether the methods of evaluation include the use of performance measures that are clearly related to the intended outcomes of the project; (8 points)

(6) Describe the products to be developed during the implementation of the proposed project. This can include questionnaires, interview guides, data collection instruments, software, internet applications, reports, article outcomes and evaluation results. Also present a dissemination plan for conveying the information; (4 points)

(7) List each organization, operator, consultant, or other key individuals

who will work on the project along with a short description of the nature of their effort of contribution. (3 points)

Criterion 4: Organizational Profile (20 points)

This section should consist of a brief (two to three pages) background description of how the applicant organization (or the unit with the organization that will have responsibility for the project) is structured, the types and quantity of services, and/or the research and management capabilities it possesses. Applicants need to demonstrate that they have the capacity to implement the proposed project. Capacity includes (1) experience with similar projects; (2) experience with the target population; (3) qualifications and experience of the project leadership; (4) commitment to developing sustaining work among key stakeholders; (5) experience and commitment of any proposed consultants and subcontractors; and (6) appropriateness of the organizational structure, including its management information system, to carry out the project.

Applicant must:

(1) Identify the background of the project director/principal investigator and key project staff (including name, address, and training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project; present brief resumes; (5 points)

(2) Provide a brief background description of how the applicant organization is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses; (5 points)

(3) Provide an organization chart showing the relationship of the project to the current organization; (5 points) and

(4) Describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. (5 points)

Project Duration: This announcement is soliciting applications for a project period up to seventeen (17) months under this area. Awards, on a competitive basis, can be up to a seventeen-month (17) budget period.

Federal Share of Project Costs: The maximum Federal shares for first time applicants shall not exceed $200,000 for a state or $100,000 for a territory for the budget period. The maximum Federal share for applicants requesting implementation funds shall not exceed $100,000 for a state and not to exceed $50,000 for a territory.

Matching Requirement: Grantees must match $1 for every $3 requested in Federal funding to reach 25% of the total approved cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $200,000 in Federal funds (based on an award of $200,000 per budget period) must include a match of at least $66,666 (the total project cost is $266,666, of which $66,666 is 25%).

Anticipated Number of Projects to be Funded: It is anticipated that up to twenty-seven (27) projects will be funded.

CFDA: ADD's CFDA (Code of Federal Domestic Assistance) number is 93.631—Developmental Disabilities—Projects of National Significance. This information is needed to complete item 10 on the SF 424.

Part V. Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this announcement. Application forms and other materials can be obtained by any of the following methods: Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898; *http://www.acf.dhhs.gov/programs/add*; or *add@acf.dhhs.gov*. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained in the program description in Part IV of this announcement.

A. Required Notification of the State Single Point of Contact (SPOC)

This program is covered under Executive Order 12372, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under this Order, States may design their own process for reviewing and commenting on proposed Federal assistance under covered programs.

Note: State/territory participation in the intergovernmental review process does not signify applicant eligibility for financial assistance under a program. A potential applicant must meet the eligibility requirements of the program for which it is applying prior to submitting an application to its single point of contact (SPOC), if applicable, or to ACF.

As of November 20, 1998, all States and territories, except Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these jurisdictions, or for projects administered by federally recognized Indian Tribes, need not take any action regarding E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the potential applications and to receive any necessary instructions.

Applicants must submit all required materials to the SPOC as soon as possible. This will enable the program office to obtain and to review SPOC comments as part of the award process. It is imperative that an applicant submit all required materials and indicate the date of the submittal (or date SPOC was contacted, if no submittal is required) on the SF 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application due date to comment on proposed new or competing continuation awards. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in delays in awarding grants.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those Official State process recommendations that may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Grants Management, 370 L'Enfant Promenade, SW, Mail Stop 326F, Washington, DC 20447, Attn: 93.631 ADD—Projects of National Significance.

Contact information for each State's SPOC is found at the ADD Web site, (*http://www.acf.dhhs.gov/programs/add*), or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898.

B. Notification of State Developmental Disabilities Planning Councils

A copy of the application must also be submitted for review and comment to the State Developmental Disabilities Council in each State in which the applicant's project will be conducted. A list of the State Developmental Disabilities Councils can be found at ADD's Web site: *http:/// www.acf.dhhs.gov/programs/add* or by contacting ''Joan Rucker, ADD, 370 L'Enfant Promenade SW, Mailstop 300F, Washington, DC, 20447, 202/690–7898.

C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424A-Page 2 and Certifications/ Assurances are contained in the application package that can be accessed as mentioned earlier in this announcement. Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Please indicate if you are applying for first time funding or implementation funds.

Item 1. ''Type of Submission''—Preprinted on the form.

Item 2. ''Date Submitted'' and ''Applicant Identifier'' —Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. ''Date Received By State''—State use only (if applicable).

Item 4. ''Date Received by Federal Agency''—Leave blank.

Item 5. ''Applicant Information''.

''Legal Name''—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

''Organizational Unit''—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

''Address''—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

''Name and telephone number of the person to be contacted on matters involving this application (give area code)''—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

Item 6. ''Employer Identification Number (EIN)''—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

Item 7. ''Type of Applicant''—Self-explanatory.

Item 8. ''Type of Application''—Preprinted on the form.

Item 9. ''Name of Federal Agency''—Preprinted on the form.

Item 10. ''Catalog of Federal Domestic Assistance Number and Title''—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title. For ADD's priority area, the following should be entered, ''93.631—Developmental Disabilities: Projects of National Significance.''

Item 11. ''Descriptive Title of Applicant's Project''—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

Item 12. ''Areas Affected by Project''—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. ''Proposed Project''—Enter the desired start date for the project and projected completion date.

Item 14. ''Congressional District of Applicant/Project''—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If Statewide, a multi-State effort, or nationwide, enter ''00.''

Items 15. Estimated Funding Levels

In completing 15a through 15f, the dollar amounts entered should reflect, for a 17-month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

Item 15a. Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b–e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost sharing or ''matching funds.'' The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see Part III, Sections E and F, and the specific priority area description.

Item 15f. Enter the estimated amount of program income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this program income in the Project Narrative Statement.

Item 15g. Enter the sum of items 15a–15e.

Item 16a. ''Is Application Subject to Review By State Executive Order 12372 Process? Yes.''—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application.

Item 16b. ''Is Application Subject to Review By State Executive Order 12372 Process? No.''—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. ''Is the Applicant Delinquent on any Federal Debt?''—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. ''To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.'' —To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

Item 18a–c. ''Typed Name of Authorized Representative, Title, Telephone Number''—Enter the name, title and telephone number of the

authorized representative of the applicant organization.

Item 18d. ''Signature of Authorized Representative'' —Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. ''Date Signed''—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 15 months.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first-year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to fully explain and justify major items, as indicated below. The type of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants; this should be included on line 6h, ''Other.''

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, ''Other.''

Justification: Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, ''equipment'' is tangible, non-expendable personal property having a useful life of more than one year and acquisition cost of $5,000 or more per unit.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, ''Other.''

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or the entire program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Not applicable. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as ''miscellaneous'' and ''honoraria'' are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter ''none.'' Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect

costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled ''Totals.'' In-kind contributions are defined in title 45 of the Code of Federal Regulations, Parts 74.51 and 92.24, as ''property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.''

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project. This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column ''(b) First.'' If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under ''(c) Second.'' Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary/Abstract

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Provide a summary description that accurately and concisely reflects the proposal. The summary should describe the objectives of the project, the approaches to be used and the expected outcomes. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals must be closed captioned and audio described). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' This is a major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Project Description

The Project Description is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part IV. The narrative should also provide information concerning how the application meets the evaluation criteria, using the following headings:

(a) Objectives and Need for Assistance;

(b) Results and Benefits Expected;

(c) Approach; and

(d) Organization Profile.

The specific information to be included under each of these headings is described in Section G of Part III, General Instructions for the Uniform Project Description, and under Part IV, and Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½″ × 11″ plain white paper, with 1″ margins on all sides, using black print no smaller than 12 pitch or 12 point size. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for Assistance'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 75 pages. This will be strictly enforced. A page is a single side of an 8½ × 11″ sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose copying difficulties. These materials, if submitted, will not be included in the review process if they exceed the 75-page limit. Each page of the application will be counted to determine the total length.

5. Part V—Assurances/Certifications

Applicants are required to file a SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. Applicants must also provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications can be obtained from the ADD Web site, *http://www.acf.dhhs.gov/programs/add,* or by contacting Joan Rucker, ADD, 370 L'Enfant Promenade SW., Mailstop 300F, Washington, DC, 20447, 202/690–7447. These forms can be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. *A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications, and need not be mailed back with the application.*

In addition, applicants are required under section 162(c)(3) of the Act to provide assurances that the human rights of all individuals with

developmental disabilities (especially those individuals without familial protection) who will receive services under projects assisted under Part E will be protected consistent with section 110 (relating to the rights of individuals with developmental disabilities). Each application must include a statement providing this assurance.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496–7041.

E. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

—One original, signed and dated application, plus two copies.Applications for different priority areas are packaged separately;
—Application is from an organization that is eligible under the eligibility requirements defined in the priority area description (screening requirement);
—Application length does not exceed 75 pages, unless otherwise specified in the priority area description.

A complete application consists of the following items in this order:

—Application for Federal Assistance (SF 424, REV 4–88);
—A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.
—Budget Information—Non-Construction Programs(SF 424A, REV 4–88);
—Budget justification for Section B—Budget Categories;
—Proof of designation as lead agency;
—Table of Contents;
—Letter from the Internal Revenue Service, etc. to prove non-profit status, if necessary;
—Copy of the applicant's approved indirect cost rate agreement, if appropriate;
—Project Description (See Part III, Section C);
—Any appendices/attachments;
—Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);
—Certification Regarding Lobbying;
—Certification of Protection of Human Subjects, if necessary; and
—Certification of the Pro-Children Act of 1994 (Environmental Tobacco Smoke), signature on the application represents certification.

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

G. Paperwork Reduction Act of 1995 (Pub. L. 104–13)

The Uniform Project Description information collection within this announcement is approved under the Uniform Project Description (0970–0139), Expiration Date 12/31/2003.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: March 19, 2002.

Patricia Morrissey,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 02–7213 Filed 3–25–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0102]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information associated with the submission of notifications of health claims or nutrient content claims based on authoritative statements of scientific bodies of the U.S. Government.

DATES: Submit written or electronic comments on the collection of information by May 28, 2002.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed extension of existing collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body (OMB Control No. 0910–0374)—Extension

Section 403(r)(2)(G) and (r)(3)(C) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(2)(G) and (r)(3)(C)), as amended by the Food and Drug Administration Modernization Act of 1997 (FDAMA), provides that a food producer may market a food product whose label bears a nutrient content claim or a health claim that is based on an authoritative statement of a scientific body of the U.S. Government or the National Academy of Sciences. Under these sections of the act, a food producer that intends to use such a claim must submit a notification of its intention to use the claim 120 days before it begins marketing the product bearing the claim. In the **Federal Register** of June 11, 1998 (63 FR 32102), FDA announced the availability of a guidance entitled ''Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body.'' The guidance provides the agency's interpretation of terms central to the submission of a notification and the agency's views on the information that should be included in the notification. The agency believes that the guidance will enable food producers to meet the criteria for notifications that are established in section 403(r)(2)(G) and (r)(3)(C) of the act. In addition to the information specifically required by the act to be in such notifications, the guidance states that the notifications should also contain information on analytical methodology for the nutrient that is the subject of a claim based on an authoritative statement. FDA intends to review the notifications it receives to ensure that they comply with the criteria established for them by the act.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Basis of Burden	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
Section 403(r)(2)(G) nutrient content claims	1	1	1	250	250
Section 403(r)(3)(C) health claims	2	1	2	450	900
Guidance for notifications	3	1	3	1	3
Totals	3	1	3		1,153

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on FDA's experience with health claims and nutrient content claims and with other similar notification procedures that fall under its jurisdiction. Because the claims are based on authoritative statements of certain scientific bodies of the Federal Government or the National Academy of Sciences or one of its subdivisions, FDA believes that the information submitted with a notification will either be provided as part of the authoritative statement or readily available as part of the scientific literature to firms wishing to make claims. Presentation of a supporting bibliography and a brief balanced account or analysis of this literature should be fairly straightforward.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7179 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–1215]

Agency Information Collection Activities; Announcement of OMB Approval; Foreign Establishment Registration and Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Foreign Establishment Registration and Listing'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 27, 2001 (66 FR 59138), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0483. The approval expires on March 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7145 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0077]

Agency Emergency Processing Under OMB Review; Emergency Medical Device Shortage Program Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for emergency processing under the Paperwork Reduction Act of 1995 (the PRA). The proposed collection of information concerns a telephone survey used to assist FDA in implementing an emergency medical device shortage program so that the agency can respond quickly to medical device shortages that might arise in the aftermath of a bioterrorist attack.

DATES: Submit written comments on the collection of information by April 25, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 10503, Attn: Stuart Shapiro, Desk Officer for FDA. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: FDA has requested emergency processing of this proposed collection of information under section 3507(j) of the PRA (44 U.S.C. 3507(j) and 5 CFR 1320.13). This information is needed immediately so that the agency can respond quickly to medical device shortages that might arise in the aftermath of a terrorist attack.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Emergency Medical Device Shortage Program Survey

Under section 903(d)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 393(d)(2)), the Commissioner of FDA is authorized to implement general powers (including conducting research) to carry out effectively the mission of FDA. Section 510 of the act (21 U.S.C. 360) requires that domestic establishments engaged in the manufacture, preparation, propagation, compounding, assembly, or processing of medical devices intended for human use and commercial distribution register their establishments and list the devices they manufacture with FDA. Section 522 of the act (21 U.S.C. 360(l)) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health, or gross deception of the consumer. These sections of the act enable FDA to enhance consumer protection from risks associated with medical devices usage that are not foreseen or apparent during the premarket notification and review process.

FDA is compiling a list of medical devices that would be needed to treat patients in the event of a biological or chemical weapon attack. FDA plans to collect manufacturing and inventory information concerning the devices on this list, starting with those devices that are considered critical to patient care. This information will allow FDA to identify quickly sources and locations of medical devices in the event that they are needed in an emergency. It will also help to identify logistical problems in the event that borders are closed or transportation has been disrupted. In addition, FDA plans to maintain a list of telephone contacts for the manufacturers so that communication channels with manufacturers will be in place in the event that they are needed.

This telephone survey's primary respondents will be medical device manufacturers and wholesalers.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	No. of Respondents	Annual Frequency per-Response	Total Annual Responses	Hours per Response	Total Hours
Telephone Survey	7,000	1	7,000	.1	700

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA has based these estimates on conversations with industry and trade association representatives, and from internal FDA estimates.

The total number of manufacturers is estimated to be 70,000. FDA estimates that approximately 10 percent of these manufacturers would be contacted in a 1-year period, due to limitations on FDA staff. It is estimated also that the survey will take approximately 6 minutes to complete over the telephone. Therefore, 7,000 respondents (10 percent of the FDA manufacturer base) times 1/10 of an hour (i.e., 6 minutes) would equal a total of 700 hours.

Dated: March 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–7146 Filed 3–25–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information

collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Hepatitis B and C Among Health Care for the Homeless Program Clients—New

The Health Care for the Homeless Clinicians' Network (HCHCN) of the National Health Care for the Homeless Council, Inc., through a cooperative agreement with the Bureau of Primary Health Care, Health Resources and Services Administration, proposes to conduct epidemiological research regarding hepatitis B and C. The study will be of adult homeless clients and will be conducted using laboratory tests and patient interviews. The study is designed to estimate the prevalence of lifetime hepatitis B and C infection among homeless adults and the rate of comorbidity of hepatitis B and C infection, identify high-risk groups, describe health service utilization specific to hepatitis B and C, and assess patient knowledge and attitudes regarding hepatitis B and C. The participants will be recruited from eight clinics of the national Health Care for the Homeless Program.

The estimated response burden is as follows:

Respondent	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Clients	400	1	1	400

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 20, 2002.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 02–7181 Filed 3–25–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center; Statement of Organization, Functions and Delegations of Authority

Part P (Program Support Center) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) (60 FR 51480, October 2, 1995, and as last amended at 66 FR 58740–41, dated November 23, 2001) is being amended to reflect the following changes in Chapter PG within Part P, Program Support Center, HHS.

The changes to the above chapter establish Division-level organizations for the *Federal Occupational Health Service.*

Program Support Center

Under *Part P, Section P–20, Functions,* after the title and statement for *Chapter PG, Federal Occupational Health Service (PG)* add the following:

Office of the Director (PGA)

Provides executive direction, policy, guidance and supervision, and coordinates long- and short-range planning for the Federal Occupational Health Service (FOHS). In addition the office provides management expertise to the FOHS divisions in the areas of: fiscal controls, management information, program support services, operations support, and is responsible for FOHS' strategic planning and performance measurement. Operations consist of: (1) Evaluation and consultation of Federal managers concerning the management and delivery of the full scope of agency occupational health programs; (2) nationwide assistance in planning, implementing and monitoring health programs for Federal agencies on a reimbursable basis including improved environmental, educational, promotional, clinical, information management, and managerial services; (3) health evaluations, science and engineering assessments training, and demonstration projects; (4) developing standards and criteria; (5) promoting workforce productivity and reducing absenteeism, lost time and related Federal liability; (6) development and operation of shared services for contracting, cost comparison, analysis and program formulation; (7) maintaining relationships with health officials in other Federal agencies and private organizations; and (8) participating in Federal occupational health related policy and program development and implementation.

Division of Clinical Services (PGB)

Designs and delivers comprehensive occupational health clinical services (including wellness/fitness) throughout the Nation to assist client agencies to improve and maintain the physical health of their workforce and meet or exceed regulatory compliance standards regarding occupational health. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions which are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which clinical services are provided that meet or exceed the highest standards established by professional bodies representing appropriate clinical disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that clinical services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/continuous quality improvement techniques to assure that the highest quality clinical services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address clinical needs, including specific programs requested by clients; (5) designs and delivers customized programs and services including facility and workplace designs for clients with special needs; (6) develops methods for evaluation of clinical services and conducts such evaluations on request; (7) maintains clinical services information and records; and (8) assures that all clinical consultation and services have been fully reimbursed by customers.

Division of Employee Assistance Program Services (PGC)

Designs and delivers comprehensive employee assistance program (EAP) services throughout the Nation to assist clients with the complete spectrum of personal problems and workplace issues. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions that are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which EAP services are provided that meet or exceed the highest standards established by professional bodies representing appropriate EAP disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that EAP services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/ continuous quality improvement techniques to assure that the highest quality EAP services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address EAP needs, including specific programs requested by clients; (5) designs and specialized EAP agency standards, programs, and facility and workplace designs for clients with special needs; (6) develops and implements methods for evaluation of EAP services; (7) maintains EAP services information and records; and (8) assures that all EAP services have been fully reimbursed by customers.

Division of Environmental Health Services (PGE)

Designs and delivers comprehensive occupational health (EH) services throughout the Nation to assist clients with the complete spectrum of EH concerns. Services are aimed at promoting healthy work and lifestyle habits and detecting and intervening in those conditions which are deleterious to wellness and productivity. Specifically: (1) Adopts standards of practice, protocols, and procedures by which EH services are provided that meet or exceed the highest standards established by professional bodies representing appropriate EH disciplines; (2) maintains a formal, written system of ancillary program policies to ensure that EH services are delivered to all clients in accordance with interagency agreements, regardless of location or actual provider of service; (3) conducts periodic reviews and program audits, and uses total quality management/ continuous quality improvement techniques to assure that the highest quality EH services are delivered in a compliant, effective, efficient, and consistent manner; (4) conducts applied research, training, and demonstration projects to address EH needs, including specific programs requested by clients; (5) designs and specialized EH agency standards, programs, and facility and workplace designs for clients with special needs; (6) develops methods for evaluation of EH services and conducts such evaluations on request; (7) maintains the EH services information and records; and (8) assures that all clinical consultation and services have been fully reimbursed by customers.

Dated: March 19, 2002.

Curtis L. Coy,

Director, Program Support Center.

[FR Doc. 02–7182 Filed 3–25–02; 8:45 am]

BILLING CODE 4168–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–09]

Notice of FHA Debenture Call

AGENCY: Office of the Assistant Secretary for Housing-FederalHousing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces a debenture recall of certain Federal Housing Administration (FHA) debentures, in accordance with authority provided in the National Housing Act.

FOR FURTHER INFORMATION CONTACT: Richard Keyser, Room 3119P, L'Enfant Plaza, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755–7510, X137. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with sections 204(c) and 207(j) of the National Housing Act, 12 U.S.C. 1710(c) and 1713(j), and in accordance with HUD's regulation at 24 CFR 203.409 and 207.259(e)(3), the Federal Housing Commissioner, with the approval of the Secretary of the Treasury, announces the call of all FHA debentures, with a coupon rate of 7.125 percent or above, except for those debentures subject to ''debenture lock agreements'', that have been registered on the books of the Bureau of Public Debt, Department of the Treasury, and are, therefore, ''outstanding'' as of March 29, 2002. The date of the call is July 1, 2002.

The debentures will be redeemed at par plus accrued interest. Interest will cease to accrue on the debentures as of the call date. Final interest on any called debentures will be paid with the principal at redemption.

During the period from the date of this Notice to the call date, debentures that are subject to the call may not be used by the mortgagee for a special redemption purchase in payment of a mortgage insurance premium.

No transfer of debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after May 15, 2002. This does not affect the right of the holder of a debenture to sell or assign the debenture on or after this date. Payment of final principal and interest due on July 1, 2002, will be made automatically to the registered holder.

Dated: March 20, 2002.

John C. Weicher,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 02–7246 Filed 3–25–02; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4572–D–20]

Delegation of Authority to Regional Directors

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Delegation of Authority to Regional Directors in the HUD Regional Offices.

SUMMARY: In this notice the Deputy Secretary, through the Assistant Deputy Secretary for Field Policy and Management, delegates operational management authority to the HUD Regional Directors. The delegation provides the authority necessary to manage programs and resources located in HUD regional and field offices nationwide. Currently the Regional Directors are located in Region I (Boston, MA); Region II (New York, NY); Region III (Philadelphia, PA); Region IV (Atlanta, GA); Region V (Chicago, IL); Region VI (Ft. Worth, TX); Region VII (Kansas City, KS); Region VIII (Denver, CO); Region IX (San Francisco, CA); and Region X (Seattle, WA). Pursuant to this authority, HUD Regional Directors are delegated specific authorities pertaining to cross program coordination, personnel management, administrative management, resource management, and representation regarding matters under their respective jurisdictions. Except as otherwise specified, Regional Directors

are authorized to redelegate operational management authority to Field Office Directors under their respective jurisdictions. In accordance with this delegation, performance elements will be standardized for all field managers and supervisors. In addition to overall management and supervision, the elements shall include communication, customer service, representation, equal employment opportunity, and a subject-matter specific critical element. Regional Directors are also authorized to provide input into the performance assessment of program managers in their jurisdictions. To the extent practicable, 40% weight will be given to the assessment provided by the Regional Director. This delegation further authorizes the Regional Directors to enter into co-sponsorship agreements with the concurrence of the General Counsel and the relevant program Assistant Secretary or equivalent. Under this delegation, the title of the ten Field Assistant General Counsel is changed to Regional Counsel.

EFFECTIVE DATE: March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Bob Etchison, Office of Field Policy and Management, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, (202) 708–1123. (This is not a toll-free number.) This number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.) Comments or questions can be submitted through the Internet to *Bob—Etchison@hud.gov.*

SUPPLEMENTARY INFORMATION: These Delegations of Authority are designed to improve efficiency, effectiveness, and accountability of management operations. They are intended to provide a managerial framework, promote customer service, and encourage coordination among and within the field offices.

Accordingly, the Deputy Secretary, through the Assistant Deputy Secretary for Field Policy and Management, delegates to each Regional Director authority within his or her respective jurisdiction as follows:

Section A: Authority Delegated

1. *Cross-Program Coordination.* Each Regional Director is delegated the following duties to aid cooperation among different programs, program directors, and offices:

- Developing and implementing Management Plans;
- Coordinating cross-program projects and Field Office Quality Management Reviews;
- Preparing briefing papers and hot issues documents;
- Leading disaster relief efforts; and
- Consulting with program directors on major program decisions. Regional Directors can trigger Headquarter's review of decisions made by program directors. Where the Regional Director and relevant program director disagree regarding a major program decision, the Assistant Deputy Secretary for Field Policy and Management may raise the matter with the relevant Assistant Secretary or equivalent. The relevant Assistant Secretary or equivalent makes the final determination, subject to review by the Deputy Secretary, if necessary.

2. *Personnel Management.* Each Regional Director is delegated the following personnel management responsibilities for field offices within his or her jurisdiction:

- Providing input on the performance ratings of managers and supervisors within the region. To the extent practicable, 40% weight will be given to the assessment provided by the Regional Director. The performance for the Directors of the Homeownership Centers; Troubled Agency Recovery Centers; Administrative Service Centers; Satellite Field Directors of the Departmental Enforcement Centers; and the Regional Counsel will be evaluated within their respective organizations, with consultation provided by the Assistant Deputy Secretary for Field Policy and Management;
- Approving short-term details across program area lines (up to sixty days);
- Approving leave requests for managers and supervisors;
- Regional Directors are authorized to serve as part of the recommending and hiring process for managers and supervisors within their respective jurisdictions. The Assistant Secretary, or equivalent, makes the final selection regarding their managers and supervisors;
- Acting as supervisor, or when necessary assigning a supervisor, to out-stationed staff; and
- Managing and conducting labor/management relations.

3. *Administrative Management.* Each Regional Director is delegated the following administrative duties for field offices under his or her jurisdiction:

- Determining official office hours, opening, closing, and emergency procedures.

4. *Resource Management.* Each Regional Director is delegated the following resource allocation responsibilities under his or her jurisdiction:

- Managing the administrative budget, e.g., training, equipment, etc.;
- Approving program travel requests; and
- Redistributing up to 20% of travel funds among program areas.

5. *Representation.* Each Regional Director is delegated the following duties as the Region's primary contact person and HUD representative regarding:

- Developing and maintaining the lead point of contact with local officials;
- Maintaining the role as principal point of contact with industry groups;
- Managing all inquiries and correspondence, including Freedom of Information Act requests, Congressional and Intergovernmental communications;
- Responding to all media inquiries in conjunction with Headquarters and the Office of Public Affairs;
- Administering the local office's web page and internet sources;
- Monitoring and evaluating customer service; and
- Entering into co-sponsorship agreements, with the concurrence of the General Counsel and the relevant program Assistant Secretary or equivalent.

Section B: Authority Revoked

The redelegations of authority from the Assistant Secretaries to the Secretary's Representatives pertaining to the waiver of program directives and handbook provisions are revoked. These redelegations were published in the **Federal Register** at 61 FR 35800 (July 8, 1996) PIH; 61 FR 35801 (July 8, 1996) Housing; 61 FR 35802 (July 8, 1996) CPD; and 61 FR 35803 (July 8, 1996) FHEO. Today's delegation also revokes the further redelegations from the Secretary Representative to the Southeast/Caribbean State and Area Coordinators published in the **Federal Register** at 61 FR 59236 (November 21, 1996) Housing; 61 FR 59236 (November 21, 1996) PIH; 61 FR 59237 (November 21, 1996) FHEO; and FR 59237 (November 21, 1996) CPD. All previous delegated or redelegated authority inconsistent with this Delegation of Authority is hereby revoked.

Section C: Authority To Redelegate

This authority may be redelegated, as appropriate, from Regional Directors to Field Office Directors within their respective jurisdictions. The authority to enter into co-sponsorship agreements may not be redelegated below the level of Regional Director.

Authority: Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); 66 FR 18790, Delegation of Concurrent Authority to the Deputy Secretary (April 11, 2001).

Dated: March 18, 2002.

Alphonso Jackson,

Deputy Secretary.

[FR Doc. 02–7245 Filed 3–25–02; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Bird Hunting; Draft Environmental Impact Statement on Resident Canada Goose Management

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared a Draft Environmental Impact Statement (DEIS) on resident Canada goose management which is available for public review. The DEIS analyzes the potential environmental impacts of several management alternatives for addressing problems associated with overabundant resident Canada goose populations. The Service is issuing this notice to invite further public participation in the review process, identify the location, date, and time of public hearings, and identify the Service official to whom questions and comments may be directed.

DATES: Written comments regarding the DEIS should be submitted by May 30, 2002, to the address below. Dates for eleven public scoping meetings are identified in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Requests for copies of the DEIS should be mailed to Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street NW., Washington, DC 20240. Comments on the DEIS should be sent to the above address. Copies of the DEIS can be downloaded from the Division of Migratory Bird Management web site at *http://migratorybirds.fws.gov* Comments on the DEIS should be sent to the above address. Alternatively, comments may be submitted electronically to the following address: *canada_goose_eis@fws.gov.* Locations for eleven public hearings are identified in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Division of Migratory Bird Management, (703) 358–1714; or Ronald Kokel (703) 358–1714.

SUPPLEMENTARY INFORMATION: On August 19, 1999, a notice was published in the **Federal Register** (64 FR 45269) announcing that the Service intended to prepare an Environmental Impact Statement for resident Canada goose management. On March 1, 2002, the Environmental Protection Agency notified the public of the availability of the DEIS in the **Federal Register** (67 FR 9448). In the March 1, 2002 notice, we indicated that the comment period would end on May 30, 2002. This notice is provided pursuant to Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Public Scoping Meetings

Eleven public hearings will be held on the following dates at the indicated locations and times:

1. April 1, 2002; Dallas, Texas, at the Hyatt Regency Downtown, 300 Reunion Boulevard, 7 p.m.
2. April 23, 2002; Palatine, Illinois, at the Holiday Inn Express, 1550 E. Dundee Road, 7 p.m.
3. April 24, 2002; Waupun, Wisconsin, at the Waupun High School, 801 E. Lincoln, 7 p.m.
4. May 7 2002; Franklin, Tennessee, at Franklin Cool Springs Marriott, 700 Cool Springs Blvd., 7 p.m.
5. May 14, 2002; Bloomington, Minnesota, at the Minnesota Valley National Wildlife Refuge Visitors Center, 3815 East 80th Street, 7 p.m.
6. May 15, 2002; Brookings, South Dakota, at Brookings Area Multiplex, 824 32nd Avenue, 7 p.m.
7. May 20, 2002; Richmond, Virginia, at the Comfort Inn Conference Center, 3200 W. Broad Street, 7 p.m.
8. May 21, 2002; Danbury, Connecticut, at the Holiday Inn, 80 Newtown Road, 7 p.m.
9. May 22, 2002; North Brunswick, New Jersey, at the Ramada Inn, 999 U.S. Route 1 South, 7 p.m.
10. May 29, 2002; Denver, Colorado, at the Colorado Department of Wildlife, Northeast Region Service Center, Hunter Education Building, 6060 Broadway, 7 p.m.
11. May 30, 2002; Bellevue, Washington, at the DoubleTree Hotel, 300—112th Avenue S.E., 7 p.m.

In order to be considered, comments must include your name and postal mailing address; we will not consider anonymous comments. All comments received, including names and addresses, will become part of the public record. The public may inspect comments during normal business hours in Room 634—Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's National Environmental Policy Act regulations (40 CFR 1506.6(f)). Our practice is to make comments available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

The DEIS evaluates alternative strategies to reduce, manage, and control resident Canada goose populations in the continental United States and to reduce goose-related damages. The objective of the DEIS is to provide a regulatory mechanism that would allow State and local agencies, other Federal agencies, and groups and individuals to respond to damage complaints or damages by resident Canada geese. The DEIS is a comprehensive programmatic plan intended to guide and direct resident Canada goose population growth and management activities in the conterminous United States. The DEIS analyzes seven management alternatives: (1) No Action (Alternative A); (2) Increase Use of Nonlethal Control and Management (excludes all permitted activities) (Alternative B); (3) Increase Use of Nonlethal Control and Management (continued permitting of those activities generally considered nonlethal) (Alternative C); (4) New Regulatory Options to Expand Hunting Methods and Opportunities (Alternative D); (5) Integrated Depredation Order Management (consisting of an Airport Depredation Order, a Nest and Egg Depredation Order, a Agricultural Depredation Order, and a Public Health Depredation Order) (Alternative E); (6) State Empowerment (PROPOSED ACTION) (Alternative F); and (7) General Depredation Order (Alternative G). Alternatives were analyzed with regard to their potential impacts on resident Canada geese, other wildlife species, natural resources, special status species, socioeconomics, historical resources, and cultural resources.

Our proposed action (Alternative F) would establish a regulation authorizing State wildlife agencies (or their authorized agents) to conduct (or allow) management activities, including the take of birds, on resident Canada goose populations. Alternative F would authorize indirect and/or direct population control strategies such as aggressive harassment, nest and egg destruction, gosling and adult trapping

and culling programs, expanded methods of take to increase hunter harvest, or other general population reduction strategies. The intent of Alternative F is to allow State wildlife management agencies sufficient flexibility, within predefined guidelines, to deal with problems caused by resident Canada geese within their respective States. Other guidelines under Alternative F would include criteria for such activities as special expanded harvest opportunities during a portion of the Migratory Bird Treaty closed period (August 1–31), airport, agricultural, and public health control, and the non-permitted take of nests and eggs.

Dated: March 7, 2002.

Steve Williams,

Director.

[FR Doc. 02–7215 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Roanoke River National Wildlife Refuge

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the Fish and Wildlife Service intends to prepare an environmental impact statement to analyze the alternatives in the Draft Comprehensive Conservation Plan under development for the Roanoke River National Wildlife Refuge in North Carolina, pursuant to the National Environmental Policy Act and implementing regulations. Initial public scoping and review meetings were held in May 2001. A Wilderness Review of Roanoke River National Wildlife Refuge was conducted in accordance with the Wilderness Act of 1964, as amended, and Refuge Planning Policy 602 FW, Chapters 1, 2, and 3.

ADDRESSES: Comments and requests for information concerning this refuge may be addressed to: Bob Glennon, 1106 West Queen Street, PO Box 329, Edenton, North Carolina 27932; telephone 252/482–2364; fax 252/482–3855; cell 252/337–5284. Information concerning this refuge may be found at the following Web site: *http://rtncf-rci.ral.r4.fws.gov.*

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to the above address. You may also comment via the Internet to the following addresses: *bob__glennon@fws.gov* or *FW4__FR__Planning@fws.gov.* Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact Bob Glennon directly at the above address. Finally, you may hand-deliver comments to Mr. Glennon at 1106 West Queen Street, Edenton, North Carolina. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law.

SUPPLEMENTARY INFORMATION: It is the policy of the Fish and Wildlife Service to have all lands within the National Wildlife Refuge System managed in accordance with an approved comprehensive conservation plan. The plan guides management decisions and identifies the goals, objectives, and strategies for achieving refuge purposes. Public input into this planning process is encouraged. The plan will provide other agencies and the public with a clear understanding of the desired conditions of the refuge and how the Service implements management decisions and sets forth goals, objectives, and strategies needed to accomplish refuge purposes and identify the Service's best estimate of future needs. These plans detail program planning levels that are sometimes substantially above current budget allocations and, as such, are primarily for Service strategic planning and program prioritization purposes. The plans do not constitute a commitment for staffing increases, operational and maintenance increases, or funding for future land acquisition. Roanoke River National Wildlife Refuge was established in August 1989, to protect and enhance wooded wetlands consisting of bottomland hardwoods and swamps with high waterfowl value along the Roanoke River.

Authority: The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd *et seq.*), to (1) advise other agencies and the public of our intentions, and (2) to obtain suggestions and information on the alternatives to include in the environmental impact statement.

Dated: February 15, 2002.

Sam D. Hamilton,

Regional Director.

[FR Doc. 02–7186 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Spokane Tribe of Indians Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Spokane Tribal Liquor Code. The Code regulates the control, possession, and sale of liquor on the Spokane Tribe of Indians trust lands, in conformity with the laws of the State of Washington, where applicable and necessary. Although the Code was adopted on January 3, 2001, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

DATES: This Code is effective on March 26, 2002.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street NW., MS 4631–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of the adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Spokane Tribal Liquor Code, Resolution No. 2001–098, was duly adopted by the Spokane Tribal Business Council on January 3, 2001. The Spokane Tribe of Indians, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effect among individuals and family members within the Spokane Tribe.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 9.

I certify that by Resolution No. 2001–098, the Spokane Tribal Liquor Code, was duly adopted by the Spokane Tribal Business Council on January 3, 2001.

Dated: March 11, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

The Spokane Tribal Liquor Code, Resolution No. 2001–098, reads as follows:

CHAPTER 24—LIQUOR CODE

Section 24–1. Purpose

The Spokane Tribe possesses the sovereignty to decide whether to allow liquor transactions on its Reservation. If the Spokane Tribe allows liquor transactions, it also possesses the sovereignty to regulate those transactions. By the enactment of this Code, the Spokane Tribe is permitting liquor transactions that are in conformity with this Code and 18 U.S.C. 1161. The Spokane Tribe also intends this Code to regulate and control the sale, distribution and possession of liquor. This code is adopted pursuant to Article VIII of the Constitution of the Spokane Tribe of Indians.

Section 24–2. Title and Jurisdiction

24–2.01. Title. This Chapter shall be known as the Spokane Tribal Liquor Code.

24–2.02. Jurisdiction. The Spokane Tribe of Indians enacts this Code to apply to all lands under its jurisdiction, namely all lands and water areas within the exterior boundaries of the Spokane Reservation, any extensions of the Reservation, and all Spokane Tribal and allotted Indian lands outside the exterior boundaries of the Spokane Indian Reservation, as well as those lands that fulfill the definition of Indian Country as defined in 18 U.S.C. 1151 and 1154.

Section 24–3. Definitions.

24–3.01. Definitions. For the purposes of this Chapter, unless otherwise required by the context, the following words and phrases shall have the designated meanings:

(1) *Alcohol.* That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. This term does not include alcohol which is intended to be or has been denatured and used as a fuel for use in motor vehicles, farm implements and machines or implements of husbandry.

(2) *Beer.* Any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than 4% of alcohol by weight, and not less than one-half of 1% of alcohol volume. For purposes of this Chapter any such beverage, including ale, stout and porter containing more than 4% of alcohol by weight shall be regulated the same as beer.

(3) *Business Council.* The Spokane Tribal Business Council.

(4) *Commercial Sale.* The transfer, exchange or barter, in any manner or by any means whatsoever for a consideration, by any person, association, partnership, or corporation of liquor and beer products.

(5) *Licensed Operator.* That person licensed by the Spokane Liquor Commission to operate a liquor outlet.

(6) *Liquor.* Includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine and beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, or other substance, which contains more than 1% of alcohol by weight shall be conclusively deemed to be intoxicating.

(7) *Liquor Outlet.* A tribally licensed retail sales business selling liquor products by the package or the drink on the lands under the jurisdiction of the Tribe and this Code.

(8) *Package.* Any container or receptacle used for holding liquor.

(9) *Public Place.* Includes streets and alleys of towns; highways or roads; buildings and grounds used for school purposes; public halls and grounds adjacent thereto; those parts of establishments where beer or liquor may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls of tribal buildings, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; publicly owned parks and/or playgrounds; tribal fairgrounds, and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(10) *Regulations.* Those rules and policy regulations made by the Spokane Liquor Commission.

(11) *Spirits.* Any beverage which contains alcohol obtained by distillation, including wines exceeding 24% of alcohol by volume.

(12) *Spokane Liquor Commission.* The Board that shall administer this Chapter and is empowered as set out in Section 24–4 of this Chapter.

(13) *Tribe.* The Spokane Tribe of Indians.

(14) *Wine.* Any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et. cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume.

Section 24–4. Membership and Powers of the Spokane Liquor Commission

24–4.01. Membership. The Spokane tribal Business Council shall be the Spokane Liquor Commission. The Council may, if it so wishes, appoint others as a Commission to serve in its stead. That Commission shall be composed of no less than five and no more than seven members.

24–4.02. General Powers. The Commission is empowered to:

(1) Administer this Code by exercising general control, management, and supervision of all liquor sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Code;

(2) Adopt and enforce rules and regulations in furtherance of the purposes of this Code and in the performance of its administrative functions;

(3) License each liquor outlet within the jurisdiction of the Spokane Tribe of Indians;

(4) Examine the records of each liquor outlet at a time and place convenient to both the licensed operator and the Commission;

(5) Revoke any license issued to a liquor outlet at its informed discretion;

(6) Inspect the physical premises of each liquor outlet;

(7) Designate any area, upon application of the owner, where public consumption of liquor may occur;

Section 24–5. Licensing of Liquor Outlet

24–5.01. License Required. Each liquor outlet is required to possess a license granted by the Commission.

Section 24–6. Application for Liquor Outlet License

24–6.01. Application. Applications for a liquor outlet license may be obtained

at the Tribal Office. Completed applications shall be submitted to the Liquor Commission. Members of the Spokane Tribe of Indians shall have preference over other applicants for licenses.

24–6.02. Application Fee. Each application shall be accompanied by an application charge or fee of $100.00, which shall be non-refundable, even if the applicant is not granted a license. The application fee for special use liquor license to be issued under 24–6.04 shall be $15.00.

24–6.03. Grant of License. The Commission shall review the application and may, if it deems necessary, request additional information and documentation from the applicant. If the Commission is satisfied that the applicant is a suitable and reputable person, the Commission may issue a license for the sale of liquor products. The Commission shall state on the license whether the license is for the sale of liquor by the drink, by the package, or both. A license shall only entitle the operator to one outlet. A license may be granted for the sale of only beer or wine by the drink.

24–6.04. License Renewal. A license shall be issued for the period of two years. This license shall be non-transferrable. The license shall be renewable every two years at the discretion of the Commission, with the operator filing a new application and paying the filing fee. The Commission may also issue a special use liquor permit to persons paying the necessary application fee under 24–6.02 for a maximum period of three (3) days as long as the liquor to be sold or distributed is in conjunction with regularly scheduled community or social events.

24–6.05. Limitation on Licenses. The Commission shall carefully limit the number of licenses and limit the location of the licenses to protect the health, safety and welfare of the people. The number and location of the licenses is within the sole discretion of the Commission.

24–6.06. Designation of Public Use Area. An applicant may apply for a designation as a public use area. The applicant shall be responsible for obtaining a liquor license and shall so indicate in its application that the application is for the purpose of consumption of liquor on the premises. All provisions of this Chapter shall apply to any area so designated unless specifically excluded.

Section 24–7. Restrictions on Liquor Outlets

24–7.01. Sales to Minors. No licensed operator shall give, sell or otherwise supply liquor to any person under 21 years of age, either for his or her own use or for the use of his or her parents or for the use of any other person.

24–7.02. Consumption of Liquor Upon Licensed Premises Prohibited. No licensed operator shall permit any person to open or consume liquor on his or her premises or any premises adjacent thereto and in his or her control, unless the operator has a license to sell liquor by the drink or has otherwise been designated under this chapter as a location where public consumption of liquor may occur.

24–7.03. Conduct on Licensed Premises

(1) No Tribal operator shall be disorderly, boisterous or intoxicated on the licensed premises or on any public premises adjacent thereto which are under his or her control, nor shall he or she permit any disorderly, boisterous or intoxicated person to be thereon; nor shall he or she use or allow the use of profane or vulgar language thereon.

(2) No operator or employee shall consume liquor, beer or wine while working on the licensed premises.

(3) No operator shall permit suggestive, lewd or obscene conduct or acts on his or her premises.

24–7.04. Employment of Minors. No person under the age of 21 years shall be employed in any service in connection with the sale or handling of liquor, either on a paid or voluntary basis, except as otherwise provided herein. Employees 18 years or older may sell and handle beer or wine not to be consumed on the premises provided that there is direct supervision by an adult 21 years of age or older.

24–7.05. Display of License. Any Tribal operator issued a license shall frame under glass and display the license on the premises.

24–7.06. Operator's Premises Open to Commission Inspection. The premises of all Tribal operators, including vehicles used in connection with liquor sales, shall be open at all times to inspection by the Commission.

24–7.07. Hours of Operation. All liquor outlets, with the exception of grocery stores or convenience stores selling only beer or wine, shall close by 3:00 a.m. and not reopen before 6:00 a.m.

24–7.08. Records Confidential. All records of the Commission shall be confidential.

Section 24–8. Sovereign Immunity Preserved

24–8.01. No Waiver of Sovereign Immunity. Nothing in this Chapter is intended or shall be construed as a waiver of the sovereign immunity of the Spokane Tribe of Indians or its officials. No official, agent or employee of the tribe is authorized, nor shall he or she attempt, to waive the immunity of the Tribe or its officials.

Section 24–9. Tribal Liability and Credit

24–9.01. No Liability by Tribe. An operator is forbidden to represent or give the impression to any supplier or any other person with whom he or she does business that he or she is an official representative of the Tribe or Commission authorized to pledge Tribal credit or financial responsibility for any of the expenses of his or her business operation. The operator shall hold the Spokane Indian Tribe and the Spokane Liquor Commission harmless from all claims of liability of whatever nature.

Section 24–10. Insurance

24–10.01. Insurance. The operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism and other insurable risks. The Commission or the Tribal Business Committee may establish as a condition of any license higher limits and any additional coverage it deems advisable.

Section 24–11. Revocation of Operator's License

24–11.01. Grounds for Revocation. Failure of an operator to abide by the provisions of this Chapter and any additional regulations or requirements imposed by the Spokane Liquor Commission will constitute grounds for revocation of the operator's license.

24–11.02. Notice of Revocation. If by a majority vote of the members of the Spokane Liquor Commission, it is decided that grounds exist for the revocation of a license of any operator, notice shall be given to the operator of a hearing at which the grounds and evidence of such a revocation shall be presented by the Commission, and an opportunity shall be presented to the operator to answer any charges, produce evidence, and make argument on his or her behalf. Such hearing shall be held within ten days of such notice, but may be continued to a later date if both the Commission and the operator consent.

24–11.03. Request for a Rehearing. If after notice and hearing, the Commission revokes an operator's license, the operator may within ten days after such revocation, petition the Commission for a rehearing. The

petition shall state the basis for a rehearing, including all newly discovered evidence or information not before the Commission at the first hearing. The Commission shall grant or deny the request for a rehearing within twenty days of the receipt of the petition.

24–11.04. Judicial Review of Revocation. An operator whose license was revoked may petition the Spokane Tribal Court for review of the decision within twenty days of the written decision of the Commission. The appeal shall be on the record and shall not be heard de novo. If the Court finds that the order of the Spokane Liquor Commission was arbitrary and capricious, clearly erroneous, in violation of the Constitution of the Spokane Tribe of Indians, in violation of the Constitutional rights of Indians as set forth in 25 U.S.C. 1301–1303, made upon unlawful procedures or some other error of law, the Court shall vacate the order of the Commission and remand to the Commission for the re-issuance of a license.

24–11.05. Scope of Review Limited to Issue of Revocation. By authorizing such a review of its decision, the Spokane Tribe is not waiving its sovereign immunity explicitly or implicitly, but providing operators with a judicial review of its decisions. Thus suits against the Spokane tribe of Indians or its officials for damages or any other relief are not authorized by this Chapter.

24–11.06. Judicial Review Not Granted to Those Denied a License Upon Application. An application for a liquor license is a privilege and not a right. Thus a simple denial of an application for a license is not entitled to judicial review in the Spokane Tribal Court.

24–11.07. Emergency Powers. If for an extremely serious reason, such as the keeping of the peace or the health and welfare of the people, the Commission finds it necessary to close the premises of a liquor outlet, it may do so provided that a hearing is provided to the licensed operator within three days (excluding weekends and holidays) of the closing of the liquor outlet.

Section 24–12. Violations

24–12.01. Any person(s) who shall violate any provision of this Chapter shall be subject to one or all of the following civil remedies:

(1) A civil penalty of up to $500.00 per occurrence per day and confiscation of all proceeds of such activities.

(2) A civil injunction against continued violations of this Chapter.

(3) Exclusion from the Spokane Reservation in conformity with Chapter 21 of the Spokane Tribal Code.

(4) If licensed operators, the revocation of the liquor outlet license.

Section 24–13. Severability

24–13.01. Severability. If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected.

Section 24–14. Previous Liquor Codes and Ordinances Abrogated

24–14.01. Previous Code Provisions Abrogated. It is the intent of the Spokane Indian Tribe and of the Spokane Business Committee that this liquor code cited above totally supersedes and stands in the place of any previously existing codes and ordinances relating to liquor.

[FR Doc. 02–7238 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan Abbreviated Final Environmental Impact Statement Death Valley National Park, California/Nevada; Notice of Approved Record of Decision

SUMMARY: The Department of the Interior, National Park Service, has prepared a Record of Decision on the Final General Management Plan and Abbreviated Final Environmental Impact Statement for Death Valley National Park. The Record of Decision includes background on the conservation planning effort, a description of the decision made and synopses of other alternatives considered, the basis for the decision, findings on impairment of park resources and values, a description of the environmentally preferable alternative, a discussion of measures to minimize environmental harm, and an overview of public and agency involvement in the decision-making process. The new General Management Plan will be used by park staff as a ''blueprint'' for managing the park over the next 10–15 years.

Decision (Selected Action): As detailed in the Record of Decision, the National Park Service (NPS) will implement Alternative 1, the proposed action, described in the Revised Draft Environmental Impact Statement and General Management Plan and the Abbreviated Final Environmental Impact Statement and General Management Plan. As a public service subsequent to the approval of the Record of Decision, the NPS will excerpt and reprint the final General Management Plan (the selected alternative) as a stand-alone Presentation Plan document. The selected alternative was both the agency-preferred alternative and the environmentally preferred alternative.

The selected plan represents the best mix of actions, policies, and strategies for the management of Death Valley National Park, given diverse public opinion and varying mandates. The General Management Plan (GMP) envisions the park as a natural environment and a cultural landscape (an arid ecosystem overlain by many layers of human occupation and use from prehistoric to historic to the present time), where the protection of native desert ecosystems and processes is assured for future generations. The protection and perpetuation of native species in a self-sustaining environment is a primary long-term goal. The GMP seeks to manage the park to perpetuate the sense of discovery and adventure that currently exists. This means limiting new development inside the park. The GMP envisions adjacent ''gateway'' communities as providing increased support services (food, gas, and lodging) for visitors, but also seeks to retain current opportunities for roadside camping, backcountry camping, and access to the backcountry via existing primitive roads, consistent with the NPS mission. The current park management strategies and policies will apply to the new park lands and put in place the necessary planning and management components to adequately address the Wilderness designation of 95% of the park lands. The GMP also fulfills the NPS mission of resource preservation and provision of visitor services while achieving other mandates from Congress. A stated goal of the GMP is to seek funding to purchase private property within the park from willing sellers.

Other Alternatives Considered: In addition to the proposal, other alternatives considered included ''existing management'' and an ''optional management'' approach. The existing management alternative (Alternative 2) describes the continuation of current management strategies. It is commonly referred to as the no-action or status quo alternative. It provides a baseline from which to compare other alternatives, to evaluate the magnitude of proposed changes, and to assess the potential environmental

effects of those changes. This ''no new actions'' concept follows the guidance of the Council on Environmental Quality, which describes the No Action Alternative as no change from the existing management direction or level of management intensity. It does not mean that no agency management actions would be taken. Death Valley National Park would continue managing the park according to policies and strategies identified in the 1989 GMP.

The optional approach (Alternative 3) is similar to the proposed action, except this alternative identifies the closing and restoration to a natural condition of the Chicken Strip airstrip at Saline Valley (adversely affecting those people who visit the area by airplane). This alternative also proposes closing the historic Emigrant campground because of potential flood hazards. All areas within the Eureka-Saline wilderness road corridor would be open for roadside camping. Designated car camping sites would be established in the area of the Saline Valley warm springs. Additional distinctions were detailed in the approved Record of Decision.

Basis for Decision: The selected GMP provides a logical, systematic and proactive approach to management of the Park in compliance with NPS laws, regulations and policies. The further rationale for selecting Alternative 1 over the no-action Alternative is based on the lessened environmental impacts that would be anticipated to occur by seeking funds and implementing activities identified in the proposed plan. Public opinion also helped inform the NPS's preferred approach over Alternative 3. In particular, preserving the natural quiet and sounds associated with the physical and biological resources of the park, management of Wilderness for maximum protection, funding of the full removal of feral burros, enhanced interpretive information to educate the public on desert ecosystems, geological processes, and the prehistoric, historical and Native American record, and improved administrative operations are among the key elements of the new GMP.

No Impairment of Park Resources and Values: The NPS may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or by the proclamation establishing the park. Impairment that is prohibited by the NPS's Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. In determining whether impairment may ensue from an action, park managers consider duration, severity, and magnitude of the impact; resources and values affected; and direct, indirect, and cumulative effects of the action. According to NPS Policy, ''An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is: (a) Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (b) Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (c) Identified as a goal in the park's general management plan or other relevant National Park Service planning documents.'' (NPS Management Policies, 2001).

This policy does not prohibit impacts to park resources and values. The NPS has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values.

Human activity and past development have resulted in the ongoing disruption of natural systems and processes in Death Valley National Park for generations. The no-action alternative would result in future unplanned and uncoordinated actions that are merely reactive to immediate concerns. Furthermore, these actions would likely be responsive to immediate, short-term, adverse impacts that demand attention, but may result in long term impairment to park values and resources. Thus, the ability of the public to experience, understand, appreciate, and enjoy the park could be impaired under the no-action alternative.

The NPS has determined that implementing Alternative 1 will not constitute an impairment to Death Valley National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the Revised Draft EIS/GMP, the Abbreviated Final EIS/GMP, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies. While the plan may result in some minor negative impacts, in all cases these adverse impacts are the result of proactive strategies intended to implement the NPS mission, policies, and regulations in the management of Death Valley National Park. None of the proposals would result in impacts that would impair the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values. Overall, the plan results in major, long-term benefits to park resources and values and opportunities for their enjoyment; it does not result in their impairment.

The actions comprising Alternative 1 will achieve the goals of the California Desert Protection Act and NPS management policies (which include protecting and enhancing the natural and cultural resources of Death Valley and providing opportunities for high-quality, resource-based visitor experiences) in a comprehensive, integrated manner that takes into account the interplay between resource protection and visitor use. Actions implemented under Alternative 1 that would cause overall negligible adverse impacts, minor adverse impacts, short term impacts, and beneficial impacts to park resources and values, as described in the Revised Draft EIS/GMP and the Abbreviated Final EIS/GMP, will not constitute impairment. This is because these impacts have limited severity and/or duration and will not result in appreciable irreversible commitments of resources. Beneficial effects identified during the NEPA process include effects related to removal of exotic burros and protecting threatened park resources and values. Beneficial effects do not constitute impairment.

The collective actions discussed in Alternative 1 are proposed as a means of managing Death Valley National Park in a manner that would result in a protected native desert ecosystem that functions without interference from human activities, while allowing visitor use and Congressionally mandated resource consumptive activities. While some of these activities may seem contrary to the NPS preservation mission (e.g. grazing, mining), Congress specifically provides for these activities (under NPS regulation) in the park pursuant to the California Desert Protection Act. These activities may only be allowed subject to other applicable laws and regulations. This proposal outlines management strategies for these activities, and others, that would be implemented to minimize potential impacts from these activities to levels below the threshold of impairment. For example, all future mining operations would be required to undergo NPS review and impact analysis under 36 CFR part 9, subpart A. Also, a grazing management plan would

be developed to manage the one remaining cattle grazing permit so that park resources are protected. The proposed actions included in this alternative would establish an overall management approach that would allow activities to occur in the park without impairing the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values.

In addition, the NPS has determined that the environmentally preferable alternative is Alternative 1. In aggregate, Alternative 1 best achieves the six conditions prescribed under § 101 of NEPA. While some of the actions in other alternatives may be similar to Alternative 1 in their effect and consequence, Alternative 1: (1) Provides the highest level of protection of natural and cultural resources while concurrently attaining the widest range of beneficial uses of the environment without degradation; (2) maintains an environment that supports diversity and variety of individual choice; and (3) integrates resource protection with opportunities for an appropriate range of visitor uses.

Measures to Minimize Environmental Harm: The NPS investigated all practical means to avoid or minimize environmental impacts that could result from implementating the various actions. The measures are fully incorporated into Alternative 1 (as analyzed in the Revised Draft EIS/GMP and the Abbreviated Final EIS/GMP (see Appendix E in Revised Draft EIS/GMP). Monitoring and enforcement programs will supplement the implementation of mitigation measures. These programs will assure compliance monitoring, biological and cultural resource protection, traffic management, noise and dust abatement, noxious weed control, pollution prevention measures, visitor safety and education, and other mitigation measures. Mitigation measures will also be applied to all future actions that are guided by this plan. In addition, the NPS will conduct specific compliance reviews (i.e., National Environmental Policy Act, Wilderness Act, National Historic Preservation Act, Endangered Species Act, and other relevant legislation) for any future actions.

Background of Planning Process: This extensive conservation planning effort was prompted by the enactment of the California Desert Protection Act (CDPA) on October 31, 1994. CDPA transferred over 3 million acres of California desert lands from the Bureau of Land Management (BLM) to the NPS and designated nearly 8 million acres of Wilderness on NPS and BLM lands. In addition, CDPA redesignated Death Valley as a national park (likewise Joshua Tree National Park, and Mojave National Preserve was created). Wide ranging changes confronting the management of the public lands in the California desert, including increasing wildland development, mounting public use pressures, the formal listing of the desert tortoise, and passage of CDPA itself prompted NPS, BLM, and U.S. Fish and Wildlife Service desert managers to address these and other anticipated changes through development of updated or new management plans.

The significant expansion of Death Valley National Park with 1.3 million additional acres and the designation of over 95% of the park's lands as Wilderness clearly warranted the development of a new general management plan (GMP) to update and replace a 1989 GMP written for the former Monument. The GMP will serve as the overall management strategy for the next 10–15 years, and is a ''blueprint'' under which more detailed activity or implementation plans are to be prepared (the new GMP is general rather than specific in nature, and focuses on purposes of the unit, significant attributes, overall mission of the agency, what activities are appropriate within these constraints, resource protection strategies, provides guidelines for visitor use and development of facilities for visitor enjoyment and administration of the park). The goal of the GMP is to determine how best to manage the park to meet Congressional intent as expressed in the CDPA and the mission of the NPS. It was the stated intention of this conservation planning effort to explore only alternatives that would result in an implementable management plan for the park. Alternatives that would require legislation before they could be implemented, were contrary to specific Congressional direction or NPS regulations or policy, or require vast sums of funding to implement, would create unreasonable expectations on the part of the public and would not serve the need of creating an implementable management plan for this unit. Therefore, only alternatives that explore the range of options for managing uses mandated by Congress were evaluated.

Preparation of this GMP began in 1995 with the selection and stationing of a planning team in Barstow, California. The Notice of Intent was published in the **Federal Register** on September 5, 1995. The planning team conducted 20 public scoping meetings in September 1995 and April 1997 to gather public input on the management direction for the park and BLM lands. In addition, a number of agency scoping meetings were held. From this input and meetings with interested parties (such as county departments, special interest groups, state agencies, Native American tribes, etc.) and discussions with NPS and BLM staff, proposed management plans were developed.

In September 1998 the Draft Environmental Impact Statement/ General Management Plan (EIS/GMP) was released for public review. Approximately 450 printed copies (and 100 CD–ROMs) of the Draft EIS/GMP were distributed for review; the entire document was also posted on the internet with links from the park's homepage and the Northern and Eastern Mojave planning page. The notice of filing of the Draft EIS/GMP was published in the **Federal Register** by the Environmental Protection Agency (EPA) on September 11, 1998 (FR 48727). Written comments were accepted from September 11, 1998, through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 throughout the planning region of southern California and southern Nevada. In addition, the planning team participated in numerous meetings of the Death Valley Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the GMP. Death Valley received approximately 600 comment letters from government agencies, tribes, interest groups, and individuals. In addition, members of environmental groups sent approximately 1,800 identical postcards. Several additional letters and postcards were received after the closing date for public comments.

Due to the large number of substantial changes required as a result of public comment on the 1998 Draft EIS/GMP, the NPS decided to rewrite the document. In September 2000, a Revised Draft Environmental Impact Statement and General Management Plan was released for 92 days of public review. Responses to written public comments on the 1998 Draft EIS/GMP were addressed in a separately bound report. A notice of filing was published in the **Federal Register** by the EPA on September 6, 2000 (FR 54062–54064). Eleven more public meetings on the revised materials were held in southern California and southern Nevada during October and November 2000. During the public comment period, a total of 47 written comments were received. All substantive comments on the 1998 Draft DEIS/GMP were addressed in a separate document that was made available concurrent with the Revised EIS/GMP.

After consideration of substantive public comments on the Revised EIS/GMP (which surfaced no new major issues or information gaps), the NPS decided to prepare an Abbreviated Final Environmental Impact Statement and General Management Plan, dated June 2001. The abbreviated format was used because changes to the revised draft document were minor and confined primarily to factual corrections, which do not modify the analysis. This abbreviated format requires that the material be integrated with the Revised Draft Environmental Impact Statement and General Management Plan to comprise the full record of the environmental impact analysis and public comment.

Conclusion: Alternative 1 provides the most comprehensive and proactive strategy among the alternatives considered for meeting the NPS's purposes, goals, and criteria for managing Death Valley National Park in accordance with Congressional direction, federal laws, and NPS management policies. The selection of Alternative 1, as reflected by the analysis contained in the environmental impact statement, would not result in the impairment of park resources and would allow the NPS to conserve park resources and provide for their enjoyment by visitors. To obtain a copy of the Presentation Plan document when it becomes available, or for the complete Record of Decision at this time, requests may be sent to the Superintendent, Death Valley National Park, Death Valley, California, 92328.

Dated: September 27, 2001.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region, National Park Service.

[FR Doc. 02–7248 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Grand Portage National Monument, MN; General Management Plan

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of the draft general management plan/draft environmental impact statement for Grand Portage National Monument, Minnesota.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service (NPS) announces the availability of the draft general management plan/draft environmental impact statement (DGMP/DEIS) for Grand Portage National Monument (hereafter ''the Monument''). This notice also announces public open houses for the purpose of explaining the DGMP/DEIS and receiving public comments on the DGMP/DEIS.

DATES: There will be a 60-day public review period for comments on this DGMP/DEIS. Comments on the DGMP/DEIS must be received 60-days after the Environmental Protection Agency publishes its notice of availability in the **Federal Register** or following an announcement in local papers, whichever is published later. Public open houses for information about, or to make comment on the DGMP/DEIS will be held in Grand Marais and other locations within the State of Minnesota. Information about time and place will be available by contacting the park at the address below. Open house schedules will be published in state and local papers.

ADDRESSES: Copies of the DCMP/DEIS are available by request by writing to Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668, by phone 218–387–2788. The document can be picked-up in person at the Monument's Headquarters, 315 S. Broadway, Grand Marais, MN.

FOR FURTHER INFORMATION CONTACT: Superintendent, Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668, or at telephone number 218–387–2788.

SUPPLEMENTARY INFORMATION: The purpose of the general management plan is to set forth the basic management philosophy for the Monument and to provide the strategies for addressing issues and achieving identified management objectives. The DDMP/DEIS describes and analyzes the environmental impacts of a proposed action and three action alternatives for the future management direction of the Monument. A no action alternative is also evaluated. The preferred alternative, Alternative E, is an alternative that was developed to combine actions from the other alternatives to achieve desired results. It would include a year-round heritage center and an Ojibwe Culture Center. Alternative B would attempt to transport visitors back to the 1790's, with maritime transportation along the historic waterfront and additional interpretation of Lake Superior and connecting waterways. Visitors could learn about the maritime aspects of the fur trade, as well as about the Ojibwe culture and heritage. Alternative C would offer a multifaceted visitor experience: several newly reconstructed structure and interpretive exhibits, a combined heritage center/headquarters open year-round, and an Ojibwe Heritage Cultural Center. Interpretation would encompass prehistoric, historic, and contemporary activities. Alternative D would include a large multifunctional heritage center, which would offer a glimpse into the history of the Grand Portage and its inhabitants. Alternative A is the no-action alternative, which provides a baseline for comparing other action alternatives.

Persons wishing to comment may do so by one of several methods. They may attend the open house noted above. They may mail comments to Superintendent, Grand Portage National Monument, P.O. Box 668, Grand Marais, MN 55604–0668. They also may hand-deliver comments to the Grand Portage National Monument headquarters located at 315 S. Broadway, Grand Marais, MN.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. As always, the NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments will not be considered.

The responsible official is Mr. William Schenk, Midwest Regional Director, National Park Service.

Dated: January 22, 2002.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. 02–7256 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Statements; Notice of Intent

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare a general management plan and environmental impact statement for Fallen Timbers Battlefield and FortMiamis National Historic Site, Ohio.

SUMMARY: The National Park Service (NPS) will prepare a general management plan (GMP) and an associated environmental impact statement (EIS) for Fallen Timbers Battlefield and Fort Miamis National Historic Site in accordance with section

102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This notice is being furnished as required by NEPA Regulations 40 CFR 1501.7.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS, and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited.

Participation in the planning process will be encouraged and facilitated by various means. Notification of all public involvement opportunities will be announced in the local press and in NPS mailings. To begin the public process, the NPS will conduct a scoping meeting to explain the planning effort and to solicit opinion about issues to address in the GMP/EIS.

DATES: Two public scoping meetings will be held on Tuesday, March 12, 2002. An afternoon session will be held from 3:30 p.m. to 5:30 p.m.; and an evening session will be held from 7:00 p.m. to 9:00 p.m. Both meetings will be held at the Toledo-Lucas County Public Library, Maumee Branch, 501 River Road, Maumee, Ohio. More information about the meetings is available from the Site Manager, Metroparks of the Toledo Area, at the address and telephone number below.

ADDRESSES: Written comments and information concerning the scope of the EIS and other matters, or requests to be added to the project mailing list should be directed to: Public Information Officer, Metroparks of the Toledo Area, 5100 West Central Avenue, Toledo Ohio 43615; phone: 419–535–3057 extension 126.

FOR FURTHER INFORMATION CONTACT: Metroparks of the Toledo Area, Public Information Officer, at the address and telephone number above.

SUPPLEMENTARY INFORMATION: Public Law 106–164, signed into law on December 9, 1999, provides for the establishment of Fallen Timbers Battlefield and Fort Miamis National Historic Site as an affiliated unit of the National Park System. The purpose of the National Historic Site is to recognize, preserve, interpret and link Fort Miamis and the Fallen Timbers Battlefield. The Battle of Fallen Timbers played an important role in the history of the Nation's early Northwest frontier and was the culminating event which demonstrated the tenacity of the American people in their efforts to expand settlement westward through the struggle for dominance of the Old Northwest Territory.

In accordance with NPS Park Planning policy, the GMP will ensure the Historic Site has a clearly defined direction for resource preservation and visitor use. It will be developed in consultation with servicewide program managers, interested parties, and the general public. It will be based on an adequate analysis of existing and potential resource conditions and visitor experiences, environmental impacts, and costs of alternative courses of action.

The environmental review of the GMP/EIS for the Historic Site will be conducted in accordance with requirements of the NEPA (42 U.S.C. 4371 et seq.), NEPA regulations (40 CFR 1500–1508), other appropriate Federal regulations, and National Park Service procedures and policies for compliance with those regulations.

Dated: January 22, 2002.

David N. Given,

Acting Regional Director.

[FR Doc. 02–7252 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Statement; Notice of Intent

AGENCY: National Park Service, Interior.

ACTION: Notice of intent to prepare a general management plan and environmental impact statement for First Ladies National Historic Site, Ohio.

SUMMARY: The National Park Service (NPS) will prepare a general management plan (GMP) and an associated environmental impact statement (EIS) for First Ladies National Historic Site, Ohio, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This notice is being furnished as required by NEPA Regulation 40 CFR 1501.7.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS, and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited.

Participation in the planning process will be encouraged and facilitated by various means. Notification of all public involvement opportunities will be announced in the local press and in NPS mailings. To begin the public process, the NPS will conduct a scoping meeting to explain the planning effort and to solicit opinion about issues to address in the GMP/EIS.

DATES: A public scoping meeting will be held on Monday, February 25, 2002 at 2:00 p.m. at the Saxton House, 331 S. Market Avenue, Canton, Ohio. More information about the meetings is available from the Site Manager, First Ladies National Historic Site, at the address and telephone number below.

ADDRESSES: Written comments and information concerning the scope of the EIS and other matters, or requests to be added to the project mailing list should be directed to: Ms. Carol J. Spears, Site Manager, First Ladies National Historic Site, 8095 Mentor Avenue, Mentor, OH 44060. Telephone: 440–974–2993.

FOR FURTHER INFORMATION CONTACT: Site Manager, First Ladies National Historic Site, at the address and telephone number above.

SUPPLEMENTARY INFORMATION: First Ladies National Historic Site was established to preserve and interpret the role and history of First Ladies for the benefit, inspiration, and education of the people of the United States.

In accordance with NPS Park Planning policy, the GMP will ensure the National Historic Site has a clearly defined direction for resource preservation, visitor use, and facilities development. It will be developed in consultation with servicewide program managers, interested parties, and the general public. It will be based on an adequate analysis of existing and potential resource conditions and visitor experiences, environmental impacts, and costs of alternative courses of action.

The environmental review of the GMP/EIS for the historic site will be conducted in accordance with requirements of the NEPA (42 U.S.C. 4371 *et seq.*), NEPA regulations (40 CFR 1500–1508), other appropriate Federal regulations, and NPS procedures and policies for compliance with those regulations.

Dated: January 18, 2002.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. 02–7255 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Rosie the Riveter/World War II Home Front National Historical Park; Richmond, California; Notice of Intent To Prepare an Environmental Impact Statement

SUMMARY: In accordance with § 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et. seq.*), the National Park Service (NPS) is undertaking a conservation planning and environmental impact analysis process to determine what approaches to take concerning resource protection and visitor use in the development of the Rosie the Riveter/World War II Home Front National Historical Park in Richmond, Contra Costa County, California. Notice is hereby given that a public scoping process has been initiated to prepare an Environmental Impact Statement (EIS) and General Management Plan (GMP). The purpose of the scoping process is to elicit public comment regarding the spectrum of issues and concerns, including a suitable range of alternatives, and the nature and extent of potential environmental impacts and appropriate mitigation strategies which should be addressed in the planning and environmental analysis process.

Background

As authorized by Pub. L. 106–352, the NPS is preparing a General Management Plan for the Rosie the Riveter/World War II Home Front National Historical Park in Richmond, California. The Rosie the Riveter/World War II Home Front National Historical Park includes the Ford Assembly Building, the Richmond Shipyard #3 (currently known as the Port of Richmond, Terminals 5, 6 and 7), the Maritime and Ruth Powers Child Development Centers, Atchison Village housing, Kaiser Field Hospital, Fire Station 67A, the Rosie the Riveter Memorial, the S.S. Red Oak Victory, and city parks referred to in the authorizing legislation as Shimada Peace Memorial Park, Westshore Park (now known as Lucretia Edwards Park), Sheridan Observation Point Park, Vincent Park, and the Bay Trail/Esplanade. The National Park Service does not own or manage these sites, but is authorized to interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories, operate an education center, provide visitor services, provide technical assistance, enter into agreements to support preservation and interpretation, and acquire technical assistance, enter into agreements to support preservation and interpretation, and acquire certain structures from willing sellers. The NPS will work in cooperation with the public and private owners of these sites to plan for and encourage their preservation and use.

Pub. L. 106–352 requires the General Management Plan to include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which must be jointly developed and approved by the City of Richmond. Legislation also requires the General Management Plan to include a determination of whether there are additional representative sites in Richmond that should be added to the park, or sites elsewhere in the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park.

In preparing the General Management Plan, the NPS will develop management prescriptions for each area of the park. These management prescriptions will specify desired resource conditions, desired visitor experiences, and appropriate types and levels of management, use and development. The General Management Plan will serve as a blueprint for the next ten to fifteen years to guide park management decisions relating to park operations, facilities, staffing, interpretation and community involvement.

Scoping Comments

Formal scoping for the General Management Plan and EIS is hereby initiated. Public meetings will be held at various locations in Richmond, CA, and in other parts of the San Francisco Bay Area, with locations and dates to be determined. These public meetings will be announced via local and regional news media and by direct mail. All interested individuals, organizations and agencies wishing to provide comments, suggestions, or relevant information, or those wishing to be added to the project mailing list, should respond to: National Park Service, Attn: Martha Crusius, Planning and Partnerships, 1111 Jackson St. #700, Oakland, CA 94607. All written comments must be postmarked not later than August 30, 2002.

If individuals submitting comments request that their name or/and address be withheld from public disclosure, their requests will be honored to the extent allowable by law. Such requests must be available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses. Anonymous comments may not be considered.

Decision Process

Availability of the draft GMP/EIS for review and written comment will be announced by **Federal Register** notice, via local and regional news media, and direct mailing. At this time the draft GMP/EIS is anticipated to be available for public review in 2003, and that subsequently a final GMP/EIS will be completed in 2004. To afford additional opportunity to comment on the draft GMP/EIS after it is distributed, public meetings will be held in the City of Richmond and San Francisco Bay Area (dates and locations to be determined). Notice of the availability of the final GMP/EIS will likewise be published in the **Federal Register**. As this is a delegated EIS, the official responsible for approval is the Regional Director, Pacific West Region, National Park Service; subsequently the official responsible for implementation will be the Superintendent of Rosie the Riveter/World War II Home Front National Historical Park.

Dated: January 11, 2002.

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 02–7254 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Fire Management Plan; Santa Monica Mountains National Recreation Area Lost Angeles and Ventura Counties, California; Notice of Scoping to Prepare Environmental Document

SUMMARY: Notice is hereby given, in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4321 *et. seq.*) that public scoping has been initiated for a conservation planning and impact analysis process for updating the current fire management plan at Santa Monica Mountains National Recreation Area. The purpose of the scoping process is to elicit early public comment regarding issues and concerns, a suitable range of alternatives and appropriate mitigating measures, and the nature and extent of potential environmental impacts which should be addressed.

Background: The Santa Monica Mountains National Recreation Area is a 150,000 acre unit of the National Park System. Naturally occurring fire is an

important ecological process in maintaining the native plant communities of the park, but wildfire poses a hazard to life and property at the urban/wildland interface areas. The park has had a fire management program since 1986; the plan was updated in 1994. The park utilizes a limited number of forms of fire management to achieve natural and cultural resource management and hazard fuel reduction goals including complete suppression, prescribed burning and mechanical fuel reduction.

The current environmental impact analysis of the park's fire management program was initiated in 1986 and culminated in a Finding Of No Significant Impact. Since that time, a spectrum of new issues, improved information, and unforeseeable constraints have emerged which have the potential to affect the future direction of the fire management program within the park. Some of these factors include but are not limited to: a potential decline in ecosystem health due to anthropogenically increased fire frequency, increased hazards and costs associated with fire suppression at the urban/wildland interface, and more stringent air quality regulations.

Information and Comment: As noted, the National Park Service will undertake a conservation planning and environmental impact analysis effort to address issues and concerns regarding any update in the current fire management program, and identify new alternatives for fire management in the Santa Monica Mountains National Recreation Area. At this time, it has not been determined whether an Environmental Assessment or Environmental Impact Statement will be prepared, however, this scoping process will aid in this determination.

As an early step in this undertaking, a series of four public scoping meetings will be conducted in April, 2002. California cities where scoping meetings will be held are: Calabasas/Agoura Hills, Malibu, Beverly Hills, and Thousand Oaks. For those unable to attend meetings, a scoping document will be available upon request. The main topics to be addressed in the scoping document and meetings are: background information on the fire management program; a review of relevant policy and law affecting the fire management program; an assessment of current fire management needs; and the identification of issues and potential alternatives related to future fire management in the park. All interested individuals, organizations, and agencies are encouraged to provide comments or suggestions. Written comments regarding the fire management program update must be postmarked no later than August 31, 2002.

For confirmed details about the scoping meetings, or to request a copy of the scoping background material and provide comments, please contact: Superintendent, Santa Monica Mountains National Recreation Area; Attn: Corrina Marote B—Fire Management Plan; 401 West Hillcrest Drive, Thousand Oaks, California 91360 or via telephone at (805) 370–1845.

If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision: The official responsible for final approval is the Regional Director, Pacific West Region, National Park Service. Subsequently, the official responsible for implementation would be the Superintendent, Santa Monica Mountains National Recreation Area. The draft fire management plan and environmental document are expected to be available for public review in June, 2002. At this time it is anticipated that the final plan and environmental document are to be completed in October, 2002.

Dated: February 8, 2002.

John J. Reynolds,

Regional Director, Pacific West.

[FR Doc. 02–7249 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan; Middle and South Forks Kings River Wild and Scenic River Comprehensive Management Plan; North Fork Kern River Wild and Scenic River Comprehensive Management Plan; Sequoia and Kings Canyon National Parks Tulare and Fresno Counties, California; Notice of Intent to Prepare an Environmental Impact Statement

SUMMARY: The National Park Service (NPS) will prepare Comprehensive Management Plans for the Middle and South Forks Kings River and the North Fork Kern River, which in 1987 were designated as components of the National Wild and Scenic Rivers System. The purpose of these Comprehensive Management Plans is to provide direction and overall guidance on managing these wild and scenic rivers within the boundaries of Sequoia and Kings Canyon National Parks. These plans will be prepared concurrently with the park's ongoing General Management Plan (GMP), in accord with 40 CFR 1501.7 and 40 CFR 1508.22 of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969 (Pub.L. 91–190). This notice supersedes a previous Notice of Intent which was published in the October 28, 1997 **Federal Register** (V62,N208,PP55827–28). The forthcoming Environmental Impact Statement (EIS) for the GMP will be expanded to include Comprehensive Management Plans for these river segments.

Background

Congress directed the NPS to revise the GMP for these parks to recognize these designations. The EIS will include an evaluation of the potential impacts, if any, and appropriate mitigation strategies, associated with implementing Comprehensive Management Plans (CMP) for wild and scenic river management. The CMPs will establish boundaries and identify appropriate classification of segments, and the GMP and CMPs will ensure that no development or use of park lands will be undertaken that is inconsistent with the designation of these river segments.

Comments

Comments concerning the scope of the CMPs, and any new information regarding the GMP, are encouraged at this time. Scoping comments regarding the GMP received previously are recorded in the administrative record and will also continue to be addressed (a synopsis of issues and concerns received overall will be available). Written comments concerning the CMPs or/and GMP should be sent to: Superintendent, Sequoia and Kings Canyon National Parks, 47050 Generals Highway, Three Rivers, CA 93271–9651. All written responses must be postmarked not later than March 29, 2002. For additional info, or requests to be added to the project mailing list, contact Dr. David Graber, GMP Coordinator, at the above address or via telephone at (559) 565–3173.

If individuals submitting comments request that their name or/and address

be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision

As a delegated EIS, the official responsible for the final decision is the Regional Director, Pacific West Region; subsequently the official responsible for implementation is the Superintendent, Sequoia and Kings Canyon National Parks. At this time it is anticipated that the Draft EIS for the GMP/CMPs will be available for public review in the fall of 2002. Distribution of the document will be duly noted in the **Federal Register** and announced via local and regional press. Thereafter the Final EIS would be completed in the spring of 2003.

Dated: January 16, 2002.

Cynthia Ip,

Acting Regional Director, Pacific West Region.

[FR Doc. 02–7253 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Funding Assistance for Non-Federal Acquisition of Civil War Battlefield Land

AGENCY: National Park Service, Interior.

ACTION: Availability of Funding for Acquisition of Civil War Battlefield Land.

SUMMARY: The National Park Service (NPS) announces the availability of funds to assist States and local communities in acquiring for permanent protection lands, or interests in lands, at significant Civil War battlefield sites.

ADDRESSES: Funding proposals should be mailed to: Hampton Tucker, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC, 20240, telephone (202) 343–3580.

FOR FURTHER INFORMATION CONTACT: Paul Hawke, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC, 20240, telephone (202) 343–1005.

SUPPLEMENTARY INFORMATION: The National Park Service's American Battlefield Protection Program (ABPP) announces the availability of funds from the Land and Water Conservation Fund to help States and local communities acquire and preserve our nation's threatened Civil War Battlefields, as authorized by the FY 2002 Department of the Interior Appropriations Act (Pub. L. 107–63). The $11 million available for matching grants will be administered by the ABPP and awarded through a competitive process over three years (fiscal years 2002 through 2004). Each grant requires a dollar-for-dollar non-Federal match. Grants are available for the fee simple acquisition of land, or for the acquisition of permanent, protective interests in land, at Civil War Battlefields listed in the Civil War Sites Advisory Commission's (CWSAC) 1993 Report on the Nation's Civil War Battlefields. Higher consideration will be given to proposals for acquisition at battlefields defined as Priority 1 or 2 sites in the CWSAC Report. The CWSAC Report and a listing of battlefields' priority status can be found on the ABPP's Web site at *http://www2.cr.nps.gov/abpp/priority.htm*.

Who May Apply

Battlefield Land Acquisition Grants will be awarded to units of State and local governments. In any case where a private non-profit organization seeks to acquire battlefield land with assistance from this program, that organization must apply in partnership with a State or local government agency. The government agency may then subgrant the federal funds to the non-profit organization. In any case where a local government or a private non-profit organization acquires land or an interest in land with assistance from this program, it must convey an acceptable perpetual protective easement on the land to the State Historic Preservation Officer or other governmental agency acceptable to the National Park Service, in accordance with the Administrative Requirements set out below.

What Is Funded

Grants must be used to acquire battlefield land or to acquire a permanent, protective interest (i.e., a perpetual easement) in battlefield land. Additional costs associated with the acquisition—such as appraisal costs, survey fees, title insurance, and other closing costs—are also eligible grant costs. Eligible battlefields are those listed in the CWSAC's 1993 Report on the Nation's Civil War Battlefields. CWSAC Priority 1 & 2 sites will be given highest consideration. Eligible acquisitions should lie within the ''core'' areas of these battlefields, as defined by the CWSAC. Proposals for acquisition of battlefield land outside the ''core'' area but within the ''study'' area as defined by the CWSAC are eligible but will be considered a lower priority than ''core'' area land. Land lying entirely outside of the CWSAC ''study area'' is not eligible for assistance from this program. In any case where the land proposed for acquisition lies partially within the study area and partially outside the study area, the majority of the land must be within the study area. Contact the ABPP to confirm core and study area boundaries. There is no minimum grant request. Typically, $500,000 will be the maximum award, though NPS will entertain larger requests under special circumstances. Past acquisition grants have ranged from $50,000 to $500,000, with an average grant of $220,000.

Ordinarily, grant funds will be awarded for acquisitions that take place following the award of the grant. However, a State or local government may apply on behalf of a non-profit organization that has borrowed money in order to acquire land immediately in order to prevent its imminent sale for development, provided that the land in question is not currently protected by public ownership of a permanent, protective interest in the land. Grant assistance for the retirement of such privately held debt must result in the public ownership of either the fee simple interest or a permanent, protective interest in the land, in accordance with the other terms of this offering. However, the fact of such prior purchase creates no additional priority for funding assistance from NPS.

Administrative and Funding Requirements

- A dollar-for-dollar non-Federal match is required for all projects; Federal appropriations or other Federal grants may not be used for match. Matching funds should be ''in-hand'' or otherwise committed at the time that the acquisition proposal is submitted to NPS. NPS will accept proposals from applicants who have not yet secured their matching share, but it reserves the right to provide such applicants with a conditional response pending the availability of matching funds within a specified period of time. If partners will not commit matching funds without the leverage provided by this acquisition grant, applicants may provide a letter from potential funding sources guaranteeing that receipt of a battlefield acquisition grant will release matching funds.

• Section 6.f. of the Land and Water Conservation Act requires that the land acquired with these funds shall not be converted to other uses without the express written consent of the Secretary of the Interior, but must be preserved in perpetuity. These provisions must be included in any conveyance documents of land or interests in lands acquired with grant funds. All Battlefield Acquisition grantees must agree that a permanent record will be kept in the relevant public property records and be available for public inspection to the effect that this property was acquired with Federal assistance, and that it will not be converted to other than preservation uses without the written approval of NPS. All grantees further agree, therefore, that the appropriate remedy in the event of a breach by the grantee of this agreement shall be the specific performance of this agreement, and that the amount of the grant cannot be repaid to negate the requirements of this agreement.

• Because the Section 6.f. ''non-conversion'' clause noted above is not necessarily sufficient to protect the historic features of the battlefield, NPS also requires that all Battlefield Acquisition grantees or subgrantees must encumber the title to the acquired battlefield property with a preservation easement running with the land, in favor of and enforceable in court by the State Historic Preservation Office, or by another government agency acceptable to NPS, in perpetuity. In cases where a State government agency will acquire and manage the property, the State must enter into a letter of agreement with NPS, stating that the State will preserve and maintain the property and its historic features for future generations. This letter will be recorded with the deed for the property and will run with the land in perpetuity.

• The fundamental purpose of the Land and Water Conservation Fund is to assist in the acquisition and/or development of public outdoor recreation areas. Accordingly, grantees must provide for the appropriate public access to and enjoyment of any lands or interests in lands acquired with assistance from this program, subject to necessary and reasonable measures on the part of the grantee to protect the historic features of the battlefield from damage or loss.

• Prior to the expenditure of grant funds for the purchase of real property, a current appraisal must be obtained. This appraisal must have an effective date within 180 calendar days of the signing of the contract to purchase the property. A professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended, in the State where the appraised property is located must perform the appraisal. A copy of the appraisal must be submitted to NPS for review to support the proposed acquisition cost. Appraisal preparation, documentation and reporting must be made in conformance with the standards and practices of the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), as codified in 49 CFR 24.103, and the Uniform Standards of Professional Appraisal Practices (USPAP Standards 1 and 2) published by the Interagency Land Acquisition Conference. A copy of the appraisal standards can be obtained from the Department of Justice Web site at *http://www.usdoj.gov/enrd/land-ack/fwd*. Appraisals will be reviewed by NPS for conformance with the Federal appraisal requirements. The cost of the appraisal is an allowable cost for this grant.

• Grantees may not charge costs for administering the project to the grant or to the required matching share.

Proposal Package

Each proposal should include the following elements (all must be present before the proposal will be accepted by the ABPP):

(1) CWSAC Priority Listing and Map

The applicant must include the CWSAC priority listing and document that the proposed acquisition lies within the battlefield core and/or study area, as defined by the CWSAC. Applicants must submit a USGS quadrangle map with the boundaries of the proposed acquisition clearly drawn.

(2) Threat to the Battlefield

The applicant must demonstrate that the battlefield is imminently threatened. The nature, the extent, and the level of severity of the threat to the battlefield must be clearly and convincingly stated. Further, the applicant must describe how and to what extent the proposed acquisition addresses the described threat.

(3) Ability to Secure Non-Federal Match

An applicant that has secured matching funds must list all sources of those funds. The applicant must certify that the non-federal matching funds are either ''in-hand'' or otherwise committed in writing at the time of application. Third-party matching share commitments must be documented by letter from the third party. Matching share commitments contingent upon receipt of federal funds from this program are acceptable.

An applicant that has not yet secured matching funds must submit a specific, credible plan for raising the necessary matching funds. The plan must identify potential sources of funds. It must include a proposed schedule, usually not more than 120 days, for securing funds or commitments of funds.

(4) Immediacy of Acquisition

The applicant must demonstrate that the owner of the property to be acquired is willing to sell the land at an agreed-upon price. Acceptable documentation includes a contract or contingent contract to buy the land, or a letter from the owner indicating willingness to enter into such a contract at a specified price. The applicant should include a schedule for completion of the acquisition within the near future.

For Additional Information

Questions and requests may be addressed to Paul Hawke, Chief, American Battlefield Protection Program, at 202–343–1005.

Proposal Submission

Proposal packages must be submitted in hard copy. Faxed proposals and proposals submitted electronically will not be accepted. Incomplete proposals will not be considered. Unsuccessful applicants may resubmit a more complete proposal for consideration in a later round of awards.

A complete proposal package contains all of the following items

• A carefully drawn map on a USGS Quadrangle Map that defines the boundaries of the battlefield and identifies within those boundaries the specific lands to be acquired.

• A statement defining the threat to the battlefield. The statement should highlight the impact of this threat on the proposed acquisition parcel.

• A statement from the property owner indicating a willingness to sell or to negotiate for the sale of the property.

• A list of sources of the required non-Federal matching share. Verification of the availability of these funds must be included with this proposal.

Application Deadlines

Applicants may submit their proposals to NPS at any time. Applications for Priority 1 and 2 battlefields will be reviewed as they are received. NPS will notify the applicant of its decision within 30 days of receipt of the application. Applications for Priority 3 and 4 battlefields will be

reviewed every four months beginning on June 1, 2002, and thereafter on October 1, 2002, February 1, 2003, June 1, 2003, and October 1, 2003, or until funds are no longer available. For example, a Priority 3 or 4 application received on June 2, 2002 would not be reviewed until October 1, 2002. NPS will notify Priority 3 and 4 applicants of its decision within 45 days of the pertinent deadline above.

Dated: February 13, 2002.

Hampton Tucker,

Grants Management Specialist, Heritage Preservation Services.

[FR Doc. 02–7251 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 2, 2002. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW., Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by April 10, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Alameda County

Remar Bakery, 1010 46th St., Emeryville, 02000328

Humboldt County

Washington School, 1910 California St., Eureka, 02000329

Los Angeles County

Broadway Theatre and Commercial District (Boundary Increase), 242, 248–260, 249–259, 900–911, 908–910, 921–937, 930–947 S. Broadway, Los Angeles, 02000330

CONNECTICUT

Fairfield County

Gores, Landis, House, 192 Cross Ridge Rd., New Canaan, 02000331

Hartford County

Erwin Home for Worthy and Indigent Women, 140 Bassett St., New Britain, 02000332

Litchfield County

Benedict, Francis Jr., House, 85 N. Colebrook Rd., Norfolk, 02000333

Esperanza, 511 Town Hill Rd., New Hartford, 02000334

New Haven County

Canoe Brook Historic District, Roughly along Bradley St., Cherry Hill Rd., Home Place, Lincoln Ave., Main and N. Harbor Sts., Branford, 02000335

East Haven Green Historic District, 263, 270, 274 Hemingway Ave., 125, 129, 133, 139, 143, 150 Main St., 3, 7, 11, 15, 23, 27, 39, 47 Park Pl. & 58, 100 River St., East Haven, 02000336

New London County

Quaker Hill Historic District, Roughly along Old Norwich Rd. from Richards Grove Rd. to Mohegan Ave. Pkwy., Waterford, 02000337

GEORGIA

Bibb County

Cherokee Brick and Tile Company, 3250 Waterville Rd., Macon, 02000338

Coweta County

Newnan Cotton Mill and Mill Village Historic District, Roughly bounded by E. Washington, Wilcoxen and Farmer Sts., and CSX RR., Newnan, 02000339

Warren County

Warrenton Downtown Historic District, Roughly centered on jct. of Main and Depot Sts., Warrenton, 02000340

KENTUCKY

Boone County

Crisler—Crisler Mounds Site, Address Restricted, Hebron, 02000341

Logan County

Cedar Grove Rosenwald School, 375 Cedar Grove Rd., Olmstead, 02000342

Madison County

Berea College Forest, KY 21, 2 mi. E. of Berea College campus, Berea, 02000343

Mercer County

Froman—McCann House, 532 Bailey Pike, Harrodsburg, 02000344

Nelson County

Johnson, Silvester, House and Business, 151–153 N. Main St., New Haven, 02000345

MAINE

Androscoggin County

Penney, Samuel, House, 78 Maple St., Mechanics Falls, 02000346

Franklin County

Coburn, John G., 360 River Rd., Carthage, 02000347

Kennebec County

Powder House Lot, High St., 1/4 mi. S. of jct. with Winthrop St., Hallowell, 02000348

Piscataquis County

Breakwater, The, S. tip of Kineo Is., W. side of Kineo Cove (Kineo Township), Rockwood, 02000349

Waldo County

Tranquility Grange No. 344, 1 mi. N. of jct. ME 52 and ME 173, Lincolnville Center, 02000350

Washington County

Boynton High School, Former, 78 High St., Eastport, 02000351

York County

Welch, Andrew, Homestead, 1286 Middle Rd., Parsonsfield, 02000352

MARYLAND

Montgomery County

Salmon—Stohlman House, 4728 Dorset Ave., Chevy Chase, 02000353

MISSISSIPPI

Oktibbeha County

Outlaw, Dossey A., Plantation, 2173 Oktoc Rd., Starkville, 02000354

MISSOURI

Benton County

Central Cole Camp Historic District, (Cole Camp, Missouri MPS) Roughly consists of the 100 blks. of E and W Main St., most of Maple St., 105 E. Butterfield, 106 N Olive, 107 N Boonville-Cole Camp, 02000355

Cape Girardeau County

Marquette Hotel, 338 Broadway St., Cape Girardeau, 02000356

Ste. Genevieve County

Ste. Genevieve Historic District, (Ste. Genevieve, Missouri MPS) Roughly bounded by Main St. and St. Mary's Rd., Roberts, 7th, and Seraphin Sts., Ste. Genevieve, 02000357

NEW YORK

Columbia County

Van Valkenburgh, James G. House, 31 Co. Rd. 13, Chatham, 02000358

Montgomery County

West Hill School, 3 Otsego St., Canajoharie, 02000359

New York County

Sugar Hill Historic District, Roughly bounded by W. 155th St., 145th St., Bradhurst Ave. and Convent Ave., New York, 02000360

Suffolk County

First Congregational Church of New Village, N. side of Middle Country Rd. W. of Elliot Ave., Lake Grove, 02000361

VIRGINIA

Albemarle County

Advance Mills, Jct. VA 743 and VA 641, Advance Mills, 02000362

Bath County

Mustoe House, Rt. 2, Box 211, Hot Springs, 02000363

Richmond Independent City

Barton Heights Cemeteries, 1600 Lamb Ave., Richmond (Independent City), 02000364
Carver Residential Historic District, 700–1500 blks. W. Leigh, 700–1400 blks. W. Catherine, Clay, & Marshall, Richmond (Independent City), 02000365
Chestnut Hill—Plateau Historic District, 1st, 2nd, 3rd, 4th and 5th Aves. from Brooklyn Park Blvd. to Trigg St., Richmond, 02000366

Smyth County

Saltville Historic District, Main St., 1st Ave., Palmer Ave, Palmer Ln., Stadium Dr., and Henrytown Rd. Saltville, 02000367

Waynesboro Independent City

Port Republic Road Historic District, Alpha, Beta, Elkton Sts., Fairview Ave., Fontaine St., Minden Pl., Port Republic Rd., Riverside Dr. and Shiloh Ave., Waynesboro (Independent City), 02000368
Tree Streets Historic District, Roughly bounded by Pine Ave., Eleventh St., S. Wayne Ave., 16th St., and Oak Ave., Waynesboro (Independent City), 02000369

WISCONSIN

Waupaca County

Main Street Historic District, Roughly along S. and N. Main Sts. from W. Union to Granite Sts., Waupaca, 02000370

A request for a MOVE has been for the following Resources: The Boone County Clerk's Building within the

KENTUCKY

Boone County

Burlington Historic District, KY 18, Burlington, 79000961

WISCONSIN

Dane County

Brittingham Park Boathouse, N. Shore Dr., Madison, 82000649

[FR Doc. 02–7250 Filed 3–25–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities: New Collection, Comments Requested

ACTION: 60 Day emergency notice of information collection under review: new collection; voluntary appeal file brochure.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by March 1, 2002. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the OMB, Office of Information and Regulatory Affairs, Attn: Department of Justice Desk Officer, (202) 395–6466, Washington, DC, 20530.

During the first 60 days of this same review period, a regulator review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Natalie Goff-Haggerty, Program Analyst, Federal Bureau of Investigation, CJIS Division, Module A–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile at (304) 625–2356.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form:* Voluntary Appeal File Brochure.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: None.

Sponsor: Criminal Justice Information Services Division of, Federal Bureau of Investigation, Department of Justice

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract: Primary:* Any individual requesting entry into the FBI/NICS Voluntary Appeal File (VAF).

Brief Abstract: Under the NICS final rule, 28 CFR 25.9(b)(1), (2), (3), published on (DATE), the NICS must destroy all identifying information on allowed transactions before the start of the next NICS operational day. If a potential purchaser is delayed or denied a firearm, then successfully appeals the decision, the NICS would not be able to retain the record(s) of the appeal or any supporting documentation/information. The purchaser would be continually if the record could not be updated, would be required to appeal the decision and resubmit documentation/information to overtime the appeal on subsequent purchases. The proposed change in the regulation would permit lawful purchasers to request that the NICS maintain documentation/information on the individual in a VAF will be maintained by the NICS for the purpose of preventing the future lengthy delays or denials of a firearm transfer.

The application contained on the VAF brochure will be the means for an individual to request entry into the VAF. This form will be available to the public through Federal Firearm Licensees, state points of contacts for gun checks, and on the NICS website at he internet address: www.fbi.gov/programs/nics/index/htm.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The number of persons requesting entry into the VAF is estimated to be 24,000 individuals. It takes an average of five minutes to read and complete all areas of the application, an estimated two hours for the process of fingerprinting including travel, and 25 minutes to mail the form for a total of two and a half hours estimated burden to the respondent.

(6) *An estimate to the total burden (in hours) associated with the collection:* The number of persons requesting entry into the VAF is estimated to be 24,000 individuals. The time it takes each individual to complete the process is 2.5 hours. The total public burden hours is 24,000 respondents times 2.5 hours which would equal 60,000 total burden hours.

If additional information is required contact Mr. Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 20, 2002.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 02–7169 Filed 3–25–02; 8:45 am]

BILLING CODE 4410–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–043)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Fiber Materials,Inc., of Biddeford, Maine, has applied for a partially exclusive license to practice the invention described in NASA Case No. MSC–23314–1, entitled ''Flexible Multi-Shock Shield,'' for which a U.S. Patent Application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATE(S): Responses to this notice must be received by April 10, 2002.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: March 19, 2002.

Paul G. Pastorek,

General Counsel.

[FR Doc. 02–7240 Filed 3–25–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act; Meeting

TIME AND PLACE: 9:30 a.m., Tuesday, April 2, 2002.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: The two items are open to the public.

MATTERS TO BE CONSIDERED:

7222B Marine Accident Report—Sinking of the U.S. Small Passenger Vessel Miss Majestic in Lake Hamilton, Hot Springs, Arkansas, on May 1, 1999.

7450 Railroad Accident Report—Derailment of Union Pacific Railroad Train QFPLI–26 at Eunice, Louisiana, on May 27, 2000.

News Media Contact: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, March 29, 2002.

FOR MORE INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

Dated: March 22, 2002.

Vicky O'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 02–7350 Filed 3–22–02; 2:23 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric & Gas Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of South Carolina Electric & Gas Company (the licensee) to withdraw its May 24, 2001, application for proposed amendment to Facility Operating License No. NPF–12 for the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

The proposed amendment would have revised the technical specifications to include the emergency feedwater system automatic isolation valves into the surveillance requirements.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 8, 2001 (66 FR 41625). However, by letter dated October 30, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 24, 2001, and the licensee's letter dated October 30, 2001, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 20th day of March 2002.

For the Nuclear Regulatory Commission.

Gordon E. Edison, Sr.

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–7217 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Renewal Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: This notice is to announce the renewal of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) for a period of two years.

SUPPLEMENTARY INFORMATION: The U. S. Nuclear Regulatory Commission (NRC) has determined that the renewal of the charter for the Advisory Committee on the Medical Uses of Isotopes for the two year period commencing on March 20, 2002 is in the public interest, in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act, after consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the ACMUI is to provide advice to NRC on policy and technical issues that arise in regulating the medical use of byproduct material for diagnosis and therapy. Responsibilities include providing guidance and comments on current and proposed NRC regulations and regulatory guidance concerning medical use; evaluating certain non-routine uses of byproduct material for medical use; and evaluating training and experience of proposed authorized users. The members are involved in preliminary discussions of major issues in determining the need for changes in NRC policy and regulation to ensure the continued safe use of byproduct material. Each member provides technical assistance in his/her specific area(s) of expertise, particularly with respect to emerging technologies. Members also provide guidance as to NRC's role in relation to the responsibilities of other Federal agencies as well as of various professional organizations and boards.

Members of this Committee have demonstrated professional qualifications and expertise in both scientific and non-scientific disciplines including nuclear medicine; nuclear cardiology; radiation therapy; medical physics; radiopharmacy; State medical regulation; patient's rights and care; health care administration; medical research; medical dosimetry, and Food and Drug Administration regulation.

FOR FURTHER INFORMATION PLEASE CONTACT: Angela Williamson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone (301) 415–5030.

Dated: March 20, 2002.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 02–7216 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

Agency Holding The Meeting: Nuclear Regulatory Commission.

Date: Weeks of March 25, April 1, 8, 15, 22, 29, 2002.

Place: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

Status: Public and Closed.

Matters To Be Considered:

Week of March 25, 2002

Monday, March 25, 2002

1:00 p.m. Discussion of Intergovernmental Issues (Closed—Ex. 1)

Week of April 1, 2002—Tentative

There are no meetings scheduled for the Week of April 1, 2002

Week of April 8, 2002—Tentative

Friday, April 12, 2002

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of April 15, 2002—Tentative

There are no meetings scheduled for the Week of April 15, 2002

Week of April 22, 2002—Tentative

There are no meetings scheduled for the Week of April 22, 2002

Week of April 29, 2002—Tentative

Tuesday, April 30, 2002

9:30 a.m. Discussion of Intergovernmental Issues (Closed)

Wednesday, May 1, 2002

8:55 a.m. Affirmation Session (Public meeting), (If needed)

9:00 a.m. Briefing on Results of Agency Action Review Meeting—Reactors, (Public Meeting), (Contact: Robert Pascarelli, 301–415–1245)

This meeting will be webcast live at the Web address—*www.nrc.gov.*

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

* * * * *

Additional Information:

By a vote of 5–0 on March 19 and 20, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Final Rule on Revision of the Skin Dose Limit, 10 CFR part 20'' be held on March 20, and on less than one week's notice to the public.

By a vote of 5–0 on March 20, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Security Issues (Closed—Ex. 1)'' be held on March 22, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: March 21, 2002.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 02–7318 Filed 3–22–02; 11:47 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Reactor Pressure Vessel Head Degradation and Reactor Coolant Pressure Boundary Integrity Issue

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Bulletin (BL) 2002–01 to all holders of operating licenses for pressurized-water nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor pressure vessel. It addresses the recent discovery of degradation in the reactor pressure vessel head at the Davis-Besse Nuclear Power Station and the concerns this has raised about the structural integrity of the reactor coolant pressure boundary throughout the pressurized-water reactor (PWR) industry. The purpose of the bulletin is to require PWR licensees to submit (1) information related to the integrity of the reactor coolant pressure boundary including the reactor pressure vessel head, at their respective facilities, and the extent to which inspections have been undertaken to satisfy applicable regulatory requirements, and (2) the basis for concluding that their plants satisfy applicable regulatory requirements related to the structural integrity of the reactor coolant pressure boundary and future inspections will ensure continued compliance with applicable regulatory requirements. This information is necessary to permit the assessment of plant-specific compliance with NRC regulations. The information will also be used by the NRC staff to determine the need for and to guide the development of additional regulatory actions to address reactor coolant pressure boundary integrity.

DATES: The bulletin was issued on March 18, 2002.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Karwoski, at (301) 415–2752 or by e-mail to *kjk1@nrc.gov.*

SUPPLEMENTARY INFORMATION: Bulletin 2002–01 may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* The ADAMS Accession No. for the bulletin is ML020770497.

If you do not have access to ADAMS or if there are problems in accessing documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 301–415–4737 or 1–800–397–4209, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 19th day of March 2002.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–7218 Filed 3–25–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25467; 812–12214]

Bear Stearns Funds, et al.; Notice of Application

March 20, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(c), 12(d)(1)(J), and 17(b) of the Investment Company Act of 1940 (''Act'') for exemptions from sections 12(d)(1)(A) and (B) and 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 thereunder to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order to permit (a) certain registered investment companies to pay an affiliated lending agent a fee based on a share of the revenue derived from securities lending activities; (b) the registered investment companies to use uninvested cash (''Uninvested Cash'') and cash collateral from securities lending transactions (''Cash Collateral'') to purchase shares of certain money market funds; and (c) the registered investment companies to lend portfolio securities to affiliated broker-dealers.

APPLICANTS: The Bear Stearns Funds (''BSF''), Bear, Stearns & Co. Inc. (''Bear Stearns''), Bear Stearns Securities Corp. (''BSSC''), Bear Stearns Asset Management Inc. (''BSAM''), Bear Stearns Funds Management Inc. (''BSFM''), and Custodial Trust Company (''CTC'').

FILING DATES: The application was filed on August 9, 2000 and amended on March 15, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 15, 2002, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants: c/o Jay G. Baris, Kramer Levin Naftalis & Frankel LLP, 919 Third Avenue, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 942–0614, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. BSF is a Massachusetts business trust registered under the Act as an open-end management investment company. BSF currently consists of 12 separate portfolios (together with future series, the ''Portfolios'') with varying investment objectives and management policies, one of which is the Prime Money Market Portfolio (''PMMP''), a money market fund that complies with the requirements of rule 2a–7 under the Act. BSAM, a wholly owned subsidiary of The Bear Stearns Companies, Inc. (''BSCI''), is registered as an investment adviser under the Investment Advisers Act of 1940. BSAM serves as each Portfolio's investment adviser. BSFM, a wholly owned subsidiary of BSCI, serves as each Portfolio's administrator. Bear Stearns, an affiliate of BSAM, serves as each Portfolio's distributor.

2. CTC, a wholly owned subsidiary of BSCI, serves as custodian of each of the existing Portfolios (other than the Emerging Markets Debt Portfolio) and as lending agent with BSSC, a wholly owned subsidiary of BSCI (each of CTC and BSSC, the ''Lending Agent''). BSSC is a broker-dealer registered under the Securities Exchange Act of 1934.

3. Applicants request that any relief granted pursuant to the application also apply to (a) any other registered investment company or series thereof for which BSAM or any person controlling, controlled by or under common control with BSAM (included in the term ''BSAM'') now or in the future serves as investment adviser (such investment company or series thereof included in the term ''Portfolio''), (b) any other broker-dealer now or in the future controlling, controlled by or under common control with BSSC (together with BSSC, ''Affiliated Broker-Dealers''), and (c) any investment entity excluded from the definition of investment company under section 3(c)(1) or section 3(c)(7) of the Act, advised by BSAM, and established for the purpose of investment of Cash Collateral in connection with the securities lending program described below (each, a ''PIF'').[1] Each PIF will comply with the requirements of rule 2a–7 under the Act.

4. CTC currently administers a securities lending program (''Lending Program'') pursuant to a securities lending policy with the respective Portfolios that participate in the securities lending program (the ''Lending Portfolios''). Each Lending Portfolio is permitted by its investment policies to lend its portfolio securities, and its prospectus or statement of additional information will disclose that it may engage in portfolio securities lending. BSF's Board of Trustees (the ''Board''), including a majority of the trustees who are not interested persons within the meaning of section 2(a)(19) of the Act (''Disinterested Trustees''), have approved BSF's participation in the Lending Program, and will monitor the Lending Program on an ongoing basis.

5. Under the Lending Program, the Lending Agent will enter into agreements (''Securities Loan Agreements'') with certain entities (''Borrowers'') that wish to borrow portfolio securities owned by the respective Lending Portfolios. The Securities Loan Agreements will require that loans be continuously secured by collateral equal at all times to at least the market value of the securities loaned. Collateral for such loans may include Cash Collateral or other collateral, such as U.S. government securities.

6. Under the Lending Program, the Lending Agent will be responsible for soliciting Borrowers for each Lending Portfolio's securities, monitoring daily the value of the loaned securities and collateral, and requesting Borrowers to add to the collateral when required by the Securities Loan Agreements. The Lending Agent may manage Cash Collateral only in accordance with specific parameters established by a Lending Portfolio. These guidelines include permissible investment of Cash

[1] All existing entities that currently intend to rely on the requested relief have been named as applicants. All existing entities currently intending to rely on the requested order have been named as applicants.

Collateral as well as a list of eligible types of investments.[2]

7. With respect to securities loans that are collateralized by assets other than cash, the Lending Portfolio involved will receive a loan fee paid by the Borrower equal to a percentage of the market value as specified in the applicable Securities Loan Agreement. With respect to securities loans collateralized by cash, the Borrower will be entitled to receive a fixed Cash Collateral fee based on the amount of cash held as collateral. The Lending Portfolio in such a case will be compensated on the spread between the net amount earned on the investment of the Cash Collateral and the Borrower's Cash Collateral Fee.

8. Portfolios may have Uninvested Cash that comes from a variety of sources, including dividend or interest payments received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of portfolio securities to meet anticipated redemptions, as well as new monies received from investors.

9. The applicants request relief to permit: (a) The Lending Portfolios to pay the Lending Agent a fee based on a share of the revenue derived from securities lending activities; (b) the Portfolios to use Cash Collateral and Uninvested Cash (together, ''Cash Balances'') to purchase shares of PMMP, PIFs and any future registered open-end management investment company that complies with rule 2a–7 under the Act (together with PMMP, ''Money Market Funds''); and (c) the Lending Portfolios to lend portfolio securities to Affiliated Broker-Dealers.

Applicants' Legal Analysis

A. Payment of Lending Agent Fees

1. Section 17(d) of the Act and Rule 17d–1 thereunder prohibit any affiliated person of or principal underwriter for a registered investment company or any affiliated person of such person or principal underwriter, acting as principal, from effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan, in which the investment company participates unless the Commission has approved the transaction. Section 2(a)(3) of the Act defines an affiliated person of another person to include any person directly or indirectly controlling or controlled by, or under common control with, such other person. Applicants state that CTC and BSAM are wholly owned subsidiaries of BSCI, and therefore CTC may be deemed to be an affiliated person of BSAM, the investment adviser for each Lending Portfolio. Because a fee arrangement between a Lending Agent and a Lending Portfolio, under which compensation is based on a percentage of the revenue generated by securities lending transactions, may be a joint enterprise or other joint arrangement or profit sharing plan within the meaning of section 17(d) and rule 17d–1, applicants request an order to permit each Lending Portfolio to pay, and the Lending Agent to accept, such fees in connection with services provided by the Lending Agent to a Lending Portfolio.

2. Applicants state that each Lending Portfolio will adopt the following procedures to ensure that the proposed fee arrangement and the other terms governing the relationship with CTC or BSSC, as Lending Agent, will meet the standards of rule 17d–1 under the Act:

(a) In connection with the approval of CTC or BSSC as Lending Agent for a Lending Portfolio and implementation of the proposed fee arrangement, a majority of the Board, including a majority of Disinterested Trustees, will determine that (i) the contract with the Lending Agent is in the best interests of the Lending Portfolio and its shareholders, (ii) the services to be performed by the Lending Agent are appropriate for the Lending Portfolio, (iii) the nature and quality of the services provided by the Lending Agent are at least equal to those provided by others offering the same or similar services for similar compensation, and (iv) the fees for the Lending Agent's services are fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality.

(b) Each Lending Portfolio's contract with CTC or BSSC for lending agent services will be reviewed annually and will be approved for continuation only if a majority of the Board (including a majority of the Disinterested Trustees) makes the findings referred to in paragraph (a) above.

(c) In connection with the initial implementation of the proposed fee arrangement whereby CTC or BSSC will be compensated as Lending Agent based on a percentage of the revenue generated by a Lending Portfolio's participation in the Lending Program, the Board will obtain competitive quotes with respect to lending agent fees from at least three independent lending agents to assist the Board in making the findings referred to paragraph (a) above.

(d) The Board, including a majority of the Disinterested Trustees, will (i) determine at each regular quarterly meeting that the loan transactions during the prior quarter were effected in compliance with the conditions and procedures set forth in the application and (ii) review no less frequently than annually the conditions and procedures set forth in the application for continuing appropriateness.

(e) Each Lending Portfolio will (i) maintain and preserve permanently in an easily accessible place a written copy of the procedures and conditions (and modifications thereto) described in the application and (ii) maintain and preserve for a period of not less than six years from the end of the fiscal year in which any loan transaction pursuant to the Lending Program occurred, the first two years in an easily accessible place, a written record of each such loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, the terms of the loan transaction, and the information or materials upon which the determination was made that each loan was made in accordance with the procedures set forth above and the conditions to the application.

B. Investment of Cash Balances in Money Market Funds and PIFs

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company representing more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or, together with the securities of other investment companies, more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person or transaction from any provision of section 12(d)(1) if, and to the extent that, the exemption is consistent with the public interest and the protection of investors.

2. Applicants request an exemption under section 12(d)(1)(J) to permit each

[2] The personnel who will provide day-to-day lending agency services to the Lending Portfolios do not and will not provide investment advisory services to the Lending Portfolios, or participate in any way in the selection of the portfolio securities or other aspects of the management of the Lending Portfolios.

Portfolio to use Cash Balances to acquire shares of the Money Market Funds in excess of the limits imposed by section 12(d)(1)(A), and the Money Market Funds to sell its shares to the Portfolios in excess of the percentage limits in section 12(d)(1)(B).

3. Applicants state that none of the abuses meant to be addressed by sections 12(d)(1)(A) and (B) of the Act are created by the proposed investment of Cash Balances in PMMP. Applicants state that the arrangement will not result in an inappropriate layering of fees because PMMP will not charge a sales load, redemption fee, asset-based sales charge or service fee (as defined in rule 2830(b)(9) of the National Association of Securities Dealers, Inc. Conduct Rules (''NASD Conduct Rules'')), or if such shares are subject to any such fees, BSAM will waive its advisory fee for each Portfolio in an amount that offsets the amount of such fees incurred by the Portfolios. In addition, before approving any advisory contract for a Portfolio, the Board, including a majority of the Disinterested Trustees, will consider the extent to which the advisory fees charged to the Portfolio by BSAM should be reduced or waived to account for reduced services provided to the Portfolio by BSAM as a result of Uninvested Cash being invested in PMMP or PIF. If PMMP offers more than one class of shares, each Portfolio will invest its Cash Balances only in the class with the lowest expense ratio at the time of investment. Neither PMMP nor any PIF whose shares are acquired by a Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A).

4. Sections 17(a)(1) and (2) of the Act prohibit an affiliated person of a registered investment company, or any affiliated person of the affiliated person, acting as principal, from selling any security to, or purchasing any security from, the registered investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, among other things, any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person or any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state that to the extent that a Portfolio owns 5% or more of the voting securities of PMMP or PIF, PMMP or PIF could be deemed to be an affiliated person of the Portfolio. In addition, to the extent that the Portfolios, PMMP and PIF share a common investment adviser and the Portfolios and PMMP share a common Board, applicants state that the Portfolios, PMMP and PIF may be considered to be under common control and therefore be affiliated persons. As a result, section 17(a) may prohibit the sale of shares of PMMP or PIF to a Portfolio, and the redemption of such shares by PMMP or PIF from the Portfolio.

5. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

6. Applicants request an order under sections 6(c) and 17(b) of the Act to permit the Portfolios to use Cash Balances to purchase shares of PMMP or PIF and to permit the redemption of the shares. Applicants maintain that the terms of the proposed transaction are reasonable and fair because the Portfolios will purchase and sell shares of PMMP or PIF on the same terms and on the same basis as other shareholders. Applicants assert that the proposed transactions comply with each Portfolio's investment restrictions and policies. Applicants further state that the investment of Cash Collateral in PMMP or a PIF will comply with all present and future Commission and staff positions concerning securities lending. Applicants also state that the PIFs will comply with the major substantive provisions of the Act, including the prohibitions against affiliated transactions, leveraging and issuing senior securities, and rights of redemption.

7. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit joint transactions involving registered investment companies and their affiliates unless the Commission has approved the transaction. Applicants state that the Portfolios, BSAM (by managing assets of the Portfolios and PIFs), and PMMP or a PIF (by selling shares to and redeeming shares from the Portfolios) may be deemed to be participants in a joint enterprise or arrangement within the meaning of section 17(d) and rule 17d–1. Applicants request an order pursuant to section 17(d) and rule 17d–1 to permit the described transactions relating to investments of Cash Balances in PMMP or PIFs. For the reasons discussed above, applicants believe that the proposed transactions meet the standards of rule 17d–1.

C. Lending to Affiliated Broker-Dealers

1. Section 17(a)(3) of the Act makes it unlawful for any affiliated person of or principal underwriter for a registered investment company, to borrow money or other property from the registered investment company. Applicants state that because an Affiliated Broker-Dealer may be deemed to be a person under common control with BSAM, an Affiliated Broker-Dealer may be considered an affiliated person, or a second-tier affiliate, of a Lending Portfolio. Accordingly, section 17(a)(3) would prohibit the Affiliated Broker-Dealers from borrowing securities from the Lending Portfolios.

2. As noted above, section 17(d) and rule 17d–1 generally prohibit joint transactions involving registered investment companies and their affiliates unless the Commission has approved the transaction. Applicants request relief under sections 6(c) and 17(b) of the Act exempting them from section 17(a)(3), and under section 17(d) and rule 17d–1 to permit the Lending Portfolios to lend portfolio securities to Affiliated Broker-Dealers.

3. Applicants state that each loan to an Affiliated Broker-Dealer by a Lending Portfolio will be made with a spread that is no lower than that applied to comparable loans to unaffiliated broker-dealers.[3] In this regard, applicants state that at least 50% of the loans made by the Lending Portfolios, on an aggregate basis, will be made to unaffiliated Borrowers. Moreover, all loans will be made with spreads that are no lower than those set forth in a schedule of spreads established by the Board, including a majority of the Disinterested Trustees, and all transactions with Affiliated Broker-Dealers will be reviewed periodically by an officer of the Lending Portfolio. The Board, including a majority of the Disinterested Trustees, also will review quarterly reports on all lending activity.

[3] A ''spread'' is the compensation earned by a Lending Portfolio from a securities loan, which compensation is in the form either of a lending fee payable by the Borrower ot the Lending Portfolio (when non-cash collateral is posted) or of the excess retained by the Lending Portfolio over a rebate rate payable by the Lending Portfolio to the Borrower (when Cash Collateral is posted and then invested by the Lending Portfolio).

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. General

1.Each Portfolio, Money Market Fund and PIF that relies on the requested order will be advised by BSAM.

2. The securities lending program of each Lending Portfolio will comply with all present and future applicable Commission and staff positions regarding securities lending arrangements.

3. Before a Lending Portfolio may participate in the Lending Program, a majority of the Board, including a majority of the Disinterested Trustees, will approve the Lending Portfolio's participation in the Lending Program. The Board will evaluate the Lending Program and its results no less frequently than annually and a majority of the Board, including a majority of the Disinterested Trustees, will determine that investing Cash Collateral in PMMP or a PIF is in the best interests of the shareholders of the Lending Portfolio.

B. Investment of Cash Balances in PMMP and PIF

1. The shares of PMMP or a PIF sold to and redeemed from the Portfolios will not be subject to a sales load, redemption fee, asset-based sales charge, or service fees (as defined in the NASD Conduct Rules).

2. If BSAM collects a fee from PMMP or a PIF for acting as its investment adviser with respect to assets invested by a Portfolio, before the next meeting of the Board on behalf of the Portfolio is held for the purpose of voting on an advisory contract under section 15 of the Act, BSAM will provide the Board with specific information regarding the approximate cost to BSAM for, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Portfolio that can be expected to be invested in PMMP or the PIF. Before approving any advisory contract under section 15, the Board, on behalf of the Portfolio, including a majority of the Disinterested Trustees, shall consider to what extent, if any, the advisory fees charged to the Portfolio by BSAM should be reduced to account for the fee indirectly paid by the Portfolio because of the advisory fee paid by PMMP or a PIF to BSAM. The minute books of each Portfolio will record fully the Board's considerations in approving the advisory contract, including the considerations relating to the fees referred to above.

3. Each of the Portfolios will invest Uninvested Cash in, and hold shares of, PMMP and PIFs only to the extent that the Portfolio's aggregate investment of Uninvested Cash in PMMP and PIF does not exceed 25% of the Portfolio's total assets. For purposes of this limitation, each Portfolio or series thereof will be treated as a separate investment company.

4. Investment in shares of PMMP and PIFs will be in accordance with each Portfolio's respective investment restrictions and policies as set forth in its prospectus and statement of additional information.

5. Neither PMMP nor any PIF will acquire securities of any investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

6. A majority of the Board of a Portfolio, including a majority of the Disinterested Trustees of such Portfolio, will initially and at least annually thereafter, determine that investment of Uninvested Cash in shares of PMMP or a PIF is in the best interests of the shareholders of the Portfolio.

7. A Portfolio's Uninvested Cash will be invested in PMMP or a PIF only if PMMP or the PIF invests solely in the types of instruments that the Portfolio has authorized for the investment of its Uninvested Cash.

8. Each PIF in which a Portfolio invests will comply with rule 2a–7 under the Act. Each PIF will value its shares, as of the close of business on each business day, using the amortized cost method to determine its net asset value per share. BSAM, as the managing member of the PIF, will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and BSAM will take such other actions as are required to be taken pursuant to such procedures. A Portfolio may purchase shares of a PIF only if BSAM determines on an ongoing basis that the PIF is operating as a money market fund in compliance with rule 2a–7. BSAM will preserve for a period of not less than six years from the date of determination, the first two years in an easily accessible place, a record of such determination and the basis upon which the determination was made. This record will be subject to examination by the Commission and the Staff .

9. Each PIF in which a Portfolio invests will comply with sections 17(a), (d) and (e) and 18 of the Act as if the PIF were an open-end registered investment company. With respect to all redemption requests made by a Portfolio, the PIF will comply with section 22(e) of the Act. BSAM, as managing member, will adopt procedures designed to ensure that the PIF complies with sections 17(a), (d) and (e), 18 and 22(e) of the Act. BSAM will also periodically review and update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and the staff.

10. The net asset value per share of a PIF in which a Portfolio may invest will be determined by dividing the value of the assets belonging to the PIF, less the liabilities of the PIF, by the number of shares of the PIF outstanding.

11. Each Portfolio will purchase and redeem shares of a PIF on the same basis as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis as other shareholders investing in the same PIF. A separate account will be established in the shareholder records of the PIF for the account of each applicable Portfolio.

C. Loans to Affiliated Broker-Dealers

1. The Lending Portfolios, on an aggregate basis, will make at least 50% of their portfolio securities loans to unaffiliated Borrowers.

2. The total value of securities loaned to any one broker-dealer on the approved list of Borrowers of securities from a Lending Portfolio will be in accordance with a schedule to be approved by the Board, but in no event will the total value of securities lent to any one Affiliated Broker-Dealer exceed 10% of the net assets of the Lending Portfolio, computed at market value.

3. A Lending Portfolio will not make any loan to an Affiliated Broker-Dealer unless the income attributable to such loan fully covers the transaction costs incurred in making such loan.

4. (a) All loans will be made with spreads no lower than those set forth in a schedule of spreads which will be established and may be modified from time to time by the Board and by a majority of the Disinterested Trustees (''Schedule of Spreads'').

(b) The Schedule of Spreads will set forth rates of compensation to the Lending Portfolio that are reasonable and fair and that are determined in light of those considerations set forth in the application.

(c) The Schedule of Spreads will be uniformly applied to all Borrowers of the Lending Portfolios' portfolio securities, and will specify the lowest allowable spread with respect to a loan of securities to any Borrower.

(d) If a security is loaned to an unaffiliated Borrower with a spread higher than the minimum set forth in the Schedule of Spreads, all comparable loans to an Affiliated Broker-Dealer will be made at no less than the higher spread.

(e) Each Lending Portfolios' portfolio securities lending program will be monitored on a daily basis by an officer of the Lending Portfolio who is subject to section 36(a) of the Act. This officer will review the terms of each loan to an Affiliated Broker-Dealer for comparability with loans to unaffiliated Borrowers and conformity with the Schedule of Spreads, and will periodically, and at least quarterly, report his or her findings to the Board, including a majority of the Disinterested Trustees.

5. The Board, including a majority of the Disinterested Trustees, (a) will determine no less frequently than quarterly that all transactions with Affiliated Broker-Dealers effected during the preceding quarter were effected in compliance with the requirements of the procedures adopted by the Board and the conditions of this order if granted and that such transactions were conducted on terms which were reasonable and fair; and (b) will review no less frequently than annually such requirements and conditions for their continuing appropriateness.

6. The Lending Portfolios will maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) which are followed in lending securities and shall maintain and preserve for a period of not less than six years from the end of the fiscal year in which any loan occurs, the first two years in an easily accessible place, a written record of each loan setting forth the number of shares loaned, the face amount of the securities loaned, the fee received (or the rebate rate remitted), the identity of the borrower, the terms of the loan and any other information or materials upon which the finding was made that each loan made to an Affiliated Broker-Dealer was fair and reasonable and that the procedures followed in making such loan were in accordance with the procedures and the other undertakings set forth herein.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–7167 Filed 3–25–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45593; File No. SR–GSCC–2001–08]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Revising Margin Factor and Offset Class Schedules

March 19, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 11, 2001, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared primarily by GSCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change refines GSCC's ''margin factor and offset class schedules'' and ''disallowance percentage schedules.''

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by GSCC.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC netting members are required to maintain deposits in a clearing fund account. Each member's required deposit is calculated daily to ensure that enough funds are on hand to cover the risks associated with that member's activities. GSCC calculates the margin amount on a member's net settlement positions using factors (percentages) that are based on an assessment of historical daily price volatility data. In order to give ''credit'' for offsetting net settlement positions to the extent appropriate, GSCC established offset classes for securities of varying maturity and disallowance percentages among those different offset classes.

As a result of GSCC's ongoing monitoring of its risk management processes, GSCC has determined to refine its ''margin factor and offset class schedules'' and its ''disallowance percentage schedules'' to take into account (i) its growing business in non-mortgage-backed agency securities (''Agencies'') and in mortgage-backed agency securities (''MBS''),[3] (ii) potential differences in price volatility between its regular settlement services (''DVP service'') and its GCF Repo service, and (iii) the recent establishment of a daily data feed from GSCC's clearing banks that provides GSCC with accurate information regarding the specific securities which its members deliver against generic CUSIP numbers established for the GCF Repo service.

In the revised margin factor and offset class schedules, GSCC has established a different margin factor for MBS. Although it has retained the same margin factors for Agencies as it uses for Treasury securities,[4] the format of the new schedules will enable GSCC to more easily establish different margin factors for Agencies in the future if the need arises. The clearing bank data feed now permits GSCC to classify each security settled in the GCF Repo service according to its true remaining maturity instead of requiring GSCC to categorize each security as if it had the longest remaining maturity of all the securities within the same generic CUSIP number. It should be noted that for the present

[3] Mortgage-backed agency securities are only processed in the GCF Repo service at GSCC and not in GSCC's regular services.

[4] Price volatility studies indicate that there is currently no need to establish different margin factors for Treasuries and Agencies. GSCC monitors price volatility on an ongoing basis.

time, GSCC has assigned the same conservative margin factor to all MBS.

In the revised margin factor and offset class schedules, GSCC has segregated (i) Treasury securities settled in the DVP service, (ii) Treasury securities settled in the GCF Repo service, (iii) Agencies settled in the DVP service, (iv) Agencies settled in the GCF Repo service, and (v) MBS settled in the GCF Repo service into separate offset classes.

The revised disallowance percentage schedules provide for offsets among the different offset classes. These schedules take into account the increasing volatility in the interest rate spreads between Treasury securities and Agencies. The schedules also permit offsets between MBS on the one hand and Treasury securities and Agencies on the other. It should be noted that these offsets are based on a more conservative model than GSCC uses with respect to other securities it processes because it assumes that GSCC would need an extra business day to liquidate pools of securities and to correct for model risk that is inherent in MBS.

GSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it will enable GSCC to modify its margining and offsetting schedules to promote a more prudent and accurate margining process.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rules changes will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. Members will be notified of the rule change filing and comments will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and particularly with the requirements of section 17A(b)(3)(F).[5] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible. The Commission believes that the revised margin factor and offset class schedules enables GSCC to promote a more accurate margining process. As such, the Commission believes GSCC's proposal is consistent with its obligation to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible.

GSCC has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of the notice of the filing. The Commission finds good cause for approving the rule change prior to the thirtieth day after publication because such approval will allow GSCC to immediately employ the revised schedules in its daily margin calculations.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–2001–08 and should be submitted by April 16, 2002.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR–GSCC–2001–08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–7168 Filed 3–25–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C 78q–1(b)(3)(F).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 25, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Requests from borrowers (Financial Statement).

No: 770.

Frequency: On Occasion.

Description of Respondents: SBA Borrower's or guarantor's who request a compromise.

Responses: 5,000.

Annual Burden: 5,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–7242 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before April 25, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Servicing Agent Agreement.

No: 1506.

Frequency: On Occasion.

Description of Respondents: Certified Development Companies and SBA Borrower's.

Responses: 4,200.

Annual Burden: 4,200.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 02–7243 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Region X Regulatory Fairness Board; Public Federal Regulatory Enforcement Fairness Roundtable

The Small Business Administration Region X Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Roundtable on Thursday, April 4, 2002 at 9:00 a.m. at the Portland Development Commission, 1900 SW 4th Avenue, Room 2500–A, Portland, OR 97201, phone (503) 823–3210, fax (503) 823–3368, to provide small business owners and representatives of trade associations with an opportunity to share information concerning the federal regulatory enforcement and compliance environment.

Anyone wishing to attend or to make a presentation must contact Don Matsuda in writing or by fax, in order to be put on the agenda. Don Matsuda, U.S. Small Business Administration, Portland District Office, 1515 S. W. Fifth Avenue, Suite 1050, Portland, OR 97201, phone (503) 326–5221, fax (503) 326–5103, e-mail: *donald.matsuda@sba.gov.*

For more information, see our Web site at *www.sba.gov/ombudsman.*

Dated: March 19, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–7150 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Region X Regulatory Fairness Board; Public Hearing

The Small Business Administration Region X Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Hearing on Tuesday, April 2, 2002 at 9:30 a.m. at the SBA District Office, Business Enterprise Center, 1200 Sixth Avenue, Park Place Building, Suite 1700, Seattle, WA 98101, Phone (206) 553–7342, fax (206) 553–7066, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning the regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Julie J. McFarlane in writing or by fax, in order to be put on the agenda. Julie J. McFarlane, U.S. Small Business Administration, Seattle District Office, 1200 Sixth Avenue, Park Place Building, Suite 1700, Seattle, WA 98101, Phone (206) 553–7342, fax (206) 553–7066, e-mail: *Julie.mcfarlane@sba.gov.*

For more information, see our Web site at *www.sba.gov/ombudsman.*

Dated: March 19, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–7151 Filed 3–25–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3953]

M/DGHR/MED/EX; 60-Day Notice of Proposed Information Collection: Form DS–1622, Medical History and Examination for Foreign Service—For Children 11 Years and Under; Form DS–1843, Medical History and Examination for Foreign Service—For Persons 12 Years and Over; (OMB# 1405–0068)

ACTION: Notice.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of the notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

Type of Request: Extension of a current collection.

Originating Office: Office of Medical Services, M/DGHR/MED.

Title of Information Collection: Medical History and Examination for Foreign Service—For Children 11 years and Under; Medical History and Examination for Foreign Service—For Persons 12 Years and Over.

Frequency: Biennially.

Form Number: DS–1622 and DS–1843.

Respondents: Candidates for Foreign Service Positions and their Eligible Family Members.

Estimated Number of Respondents: 12,000.

Average Hours Per Response: One Hour.

Total Estimated Burden: 12,000 hours.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Public comments, or requests for additional information regarding the collection listed in this notice should be directed to John A. Triplett, M.D., Office of Medical Services, 2401 E Street, NW., Room 201, U.S. Department of State, Washington, DC 20520.

Dated: March 11, 2002.

Maria C. Melchiorre,

Acting Executive Director, Office of Medical Services, Department of State.

[FR Doc. 02–7239 Filed 3–25–02; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–11237]

Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0596 and 2115–0597

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded two Information Collection Reports (ICRs) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before April 25, 2002.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2001–11237] more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. (b) OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Docket Management Facility at 202–493–2251 or (b) OIRA 202–395–7285, attention: Desk Officer for the Coast Guard.

(4)(a) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* (b) OIRA does not have a Web site on which you can post your comments.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 (Plaza level), 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

Copies of the complete ICRs are available for inspection and copying in public dockets. Copies are available in docket USCG 2001–11237 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION

Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [66 FR 64336 (December 12, 2001)] the 60-day notice required by OIRA. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2001–11106. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

1. *Title:* Claims Under the Oil Pollution Act of 1990.

OMB Control Number: 2115–0596.

Type of Request: Extension of a currently approved collection.

Affected Public: Claimants and responsible parties of oil spills.

Forms: This collection of information does not require the public to fill out forms, but does require the public to provide initial information in writing. Follow-up information, if necessary, may be provided by letter, fax or e-mail.

Abstract: The Coast Guard will use the information collected to determine whether claims submitted to the Oil Spill Liability Trust Fund are compensable and, if they are, to ensure that the Fund reimburses them in the correct amounts.

Annual Estimated Burden Hours: The estimated burden is 13,722 hours a year.

2. *Title:* State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990.

OMB Control Number: 2115–0597.

Type of Request: Extension of a currently approved collection.

Affected Public: State Governments.

Forms: This collection of information does not require the public to fill out Coast Guard forms, but does require the public to provide information in writing.

Abstract: The Coast Guard will use information provided by the State to the Coast Guard National Pollution Funds Center to determine whether expenditures submitted by the State to the Fund are compensable and, if they are, to ensure payment of the correct amount of funding from the Oil Spill Liability Trust Fund.

Annual Estimated Burden Hours: The estimated burden is 3 hours a year.

Dated: March 20, 2002.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 02–7231 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2002–11893]

Review of Boating Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: The Coast Guard is conducting a comprehensive review of current boating safety regulations in three stages. These stages correspond with sequential meetings of the National Boating Safety Advisory Council (NBSAC). This notice requests comments for the second stage, involving manufacturer requirements to prevent drownings. We will provide NBSAC members with a summary of the comments before the October 2002 meeting and will consider all relevant public comments and NBSAC recommendations in determining which regulations, if any, should be changed.

DATES: Comments and related material for the second stage of the review must reach the Docket Management Facility on or before May 28, 2002.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG–2002–11893), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW, Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.* You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Carlton Perry, Project Manager, Office of Boating Safety, U.S. Coast Guard, by telephone at 202–267–0979 or by e-mail at *cperry@comdt.uscg.mil.* If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Background and Purpose

NBSAC is an advisory committee created under 46 U.S.C. 13110(a). It advises the Coast Guard on substantive matters of boating safety. Its 21 members come from 3 segments of the boating community: the boating industry; State officials on boating safety; and representatives of national recreational boating organizations and the general public. NBSAC meets twice a year, in the spring and fall. The meetings are open to the public. Under 46 U.S.C. 4302 (c)(4),the Coast Guard must consult NBSAC in the formulation of boating safety regulations.

Past Comprehensive Reviews

In 1981, 1986, 1992, and 1997, we conducted comprehensive reviews of our boating safety regulations in conjunction with a single NBSAC meeting. We asked NBSAC to determine whether the regulations were still necessary, beneficial, cost-effective, and consistent with current technology. These periodic reviews led NBSAC to make numerous recommendations to improve and update specific provisions in the regulations.

Current Comprehensive Review

We are conducting this review in three stages at sequential NBSAC meetings. We published the first notice announcing in the **Federal Register** on August 30, 2001 [66 FR 45791], stating that NBSAC would review regulations of the first stage in April 2002. We will publish notices in the future, requesting comments for the remaining stage, announcing the specific date of the meeting. Each stage will evaluate current boating safety regulations, but will not include any rules under development.

The first review stage includes administrative requirements for manufacturers and importers of recreational vessels (33 CFR part 179 and part 181, subparts B and C) and fire and explosion prevention requirements for manufacturers and importers of recreational vessels (33 CFR part 183, subparts I, J, and K). NBSAC will review these regulations and comments at its April 2002 meeting.

The second review stage includes requirements for manufacturers and importers of recreational vessels to prevent drownings (33 CFR part 183, subparts B, C, D, F, G, H, and L). NBSAC will review these regulations and comments at its October 2002 meeting.

The third review stage includes requirements for operators (33 CFR parts 95, 100, 173, 174, 175, 177 and 46 CFR part 25, subparts 25.30, 25.35 and 25.40, and part 58, subparts 58.03 and 58.10). NBSAC will review these regulations and comments at its April 2003 meeting.

You may find copies of the boating safety regulations at any public library that carries the United States Code of Federal Regulations. You may buy them from the Superintendent, Government Printing Office, telephone: 202–512–2250; facsimile: 202–512–1800. You may also access them on the Internet at URL address *http://www.gpo.gov/nara/cfr.*

Request for Comments

We encourage interested persons from all sectors of the boating community to participate in this second regulatory review stage by submitting comments and related material regarding any changes to the current boating safety regulations, including elimination or revocation of any requirements. If you submit comments, please include your name and address, identify the docket number for this notice (USCG–2002–11893) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

We are especially interested in responses to the following questions:

• *Need*—Is there still a need for the regulation? Is the problem that the regulation was originally intended to solve still a problem?

• *Technical Accuracy*—Has the regulation kept pace with the technological, economic, environmental, or other relevant conditions? Would any particular changes make it more effective in achieving its intended goal?

• *Cost/Benefit*—What are the costs, or other burdens or adverse effects, including impacts on use of energy, of the regulation? What are the benefits of the regulation in terms of personal safety or other values? Do the benefits outweigh the costs?

• *Problems*—Are there any problems or complaints in understanding or complying with the regulation?

• *Alternative*—Are there any nonregulatory ways to achieve the goal of the regulation at a lower cost, lower burden, or adverse effect?

We will summarize all comments received in response to this request during the comment period and will provide a copy of the summary to the NBSAC members for their consideration before the October 2002 meeting. We will consider all relevant comments in the formulation of any changes to the boating safety regulations that may result from this review stage.

Dated: March 20, 2002.

Kenneth T. Venuto,

Rear Admiral, Coast Guard, Director of Operations Policy.

[FR Doc. 02–7234 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Draft Environmental Impact Statement: Marshall and St. Joseph Counties in Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed improvements to US 31 in Marshall and St. Joseph Counties in Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dirks, Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204. Telephone: (317) 226–7492, Fax: (317) 226–7341, e-mail: *robert.dirks@fhwa.dot.gov.*

SUPPLEMENTARY INFORMATION: The FWHA in cooperation with the Indiana Department of Transportation (INDOT) will prepare an EIS to improve the US 31 corridor through Marshall and St. Joseph Counties in Indiana. The proposed corridor is between US 30 near Plymouth and US 20 in South Bend, a distance of about 20 miles.

This project is intended to evaluate various transportation alternatives that would reduce traffic congestion and improve safety on US 31 with minimal impacts to the environment. The project would also provide greater accessibility to north-central Indiana and would accommodate the transportation needs of the growing population and employment of northern Indiana. Along this 20 mile section of US 31, many of the intersections are currently experiencing traffic congestion and travel delay.

FHWA and INDOT will determine the purpose and need for the project, evaluate alternatives that satisfy the needs, describe the affected environment, discuss the environmental consequences regarding the alternatives, while providing agency coordination and public involvement. The project will follow Indiana's Streamlined EIS Procedures, which can be found on their website at *www.fhwa.dot.gov/indiv/procedur.htm.*

Early Coordination letters will be sent to appropriate federal, state, and local agencies describing the proposed action and inviting the agencies to be Participating Agencies in the study. Once the draft purpose and need has been developed and preliminary alternatives identified, the agencies and the public will have an opportunity to review and comment on this information. Agencies and the public will also have an opportunity to comment when the preliminary alternatives have been screened to those carried forward for more detailed environmental evaluation in the Draft Environmental Impact Statement (DEIS).

Upon completion of the DEIS, the DEIS will be available for public review and hearings will also be held. Public notice will be given as to the time and place of the meetings and hearings. Another interagency meeting will be held to offer the opportunity to comment on the preferred alternative and mitigation measures that are recommended.

To ensure that the full range of issues related to this proposed action is addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and this EIS should be directed to the FHWA contact provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to the program).

Authority: 23 USC 315; 49 CFR 1.48.

Issued on: February 22, 2002.

Robert Dirks,

Environmental Specialist, FHWA, Indianapolis, Indiana.

[FR Doc. 02–7227 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2002–11732]

Notice of Request for Renewal of a Currently Approved Information Collection: Financial Responsibility, Trucking and Freight Forwarding

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of FMCSA to request the Office of Management and Budget (OMB) to renew its clearance of the currently approved information collection identified below under Supplementary Information. This information collection provides registered motor carriers, property brokers, and freight forwarders a means of meeting financial security documentation requirements.

DATES: Comments must be submitted on or before May 28, 2002.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted on the Internet by using the universal resource locator (URL) at: *http://dmses.dot.gov/submit,* or by fax to (202) 493–2251. Internet users may view all comments received by the Document Management System (DMS) on the Internet at: *http://dms.dot.gov.* Please follow the instructions online for more information and help. Please include the docket

number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comments are received, you must include a self-addressed, stamped postcard, or you may print the acknowledgement page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Lee, (202) 358–7028, Insurance Compliance Division (MC–ECI), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Financial Responsibility, Trucking and Freight Forwarding.

OMB Number: 2126–0017.

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary has delegated authority pertaining to these registrations to the FMCSA. Registration remains valid only as long as the transportation entities maintain, on file with the FMCSA, evidence of the required levels of insurance coverage pursuant to 49 U.S.C. 13906. Regulations governing financial responsibility requirements are found at 49 CFR 387.

Forms BMC–91, 91X, and 82 provide evidence of the required coverage for bodily injury and property damage (BI&PD) liability. Forms BMC–34 and 83 establish compliance with cargo liability requirements. Forms BMC–84 and 85 are filed by brokers to comply with the requirement for a $10,000 surety bond or trust fund agreement. Forms BMC–35, 36, and 85 cancel prior filings. Forms BMC–90 and 32 are endorsements that must be attached to BI&PD and cargo insurance policies, respectively, but are not filed with the FMCSA.

Motor carriers can also apply to self-insure BI&PD and/or cargo liability in lieu of filing certificates of insurance or surety bonds with the FMCSA. Form BMC–40 is the application used to apply for self-insurance authority.

Respondents: Motor carriers, freight forwarders, and brokers.

Estimated Average Burden per Response: The estimated average burden per response for the BMC–40 is 40 hours. The estimated average burden per response for each of the other forms (BMC–32, 34, 35, 36, 82, 83, 84, 85, 90, 91, and 91X) is 10 minutes per form.

Estimated Total Annual Burden: The estimated total annual burden is 200 hours for the BMC–40 based on 5 filings per year [5 filings per year × 40 hours to complete = 200]. The estimated total annual burden for all of the other forms described above is 45,025 hours based on 270,152 filings per year [270,152 filings per year × 10 minutes to complete divided by 60 minutes = 45,025 total burden hours]. Therefore, the total burden hour request is 45,225 [200 estimated annual burden hours for the BMC–40 + 45,025 hours for the other forms = 45,225 total burden hours].

Frequency: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with the FMCSA and then when such coverages are replaced. Notices of cancellation are required only when such certificates of insurance, surety bonds or trust fund agreements are canceled. Form BMC–40 is generally filed only when a carrier seeks approval to self-insure its BI&PD and/or cargo liability.

Public Comments Invited: Interested parties are invited to send comments regarding any aspect of this information collection, including but not limited to: (1) The necessity and utility of the information collection for the proper performance of the functions of the FMCSA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance for a renewal of this information collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended, and 49 CFR 1.73.

Issued on: March 18, 2002.

Joseph M. Clapp,

Administrator.

[FR Doc. 02–7159 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2002–11871]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before May 28, 2002.

ADDRESSES: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Kline, Maritime Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: 202–366–5744; fax: 202–366–7901, or e-mail: *kenneth.kline@marad.dot.gov.*

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Obligation Guarantees—46 CFR part 298, Title XI.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0018.

Form Numbers: MA–163, MA–163A

Expiration Date of Approval: October 31, 2002.

Summary of Collection of Information: In accordance with the Merchant Marine Act, 1936, MARAD is authorized to execute a full faith and

credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing shipyard modernization and improvement projects.

Need and Use of the Information: The information collected is necessary for MARAD officials to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees.

Description of Respondents: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels satisfying criteria under the Merchant Marine Act, as well as businesses interested in shipyard modernization and improvements.

Annual Responses: 21.

Annual Burden: 1470 hours.

By Order of the Maritime Administrator.

Dated: March 19, 2002.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7160 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11872]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LADY CATHERINE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11872. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: LADY CATHERINE. Owner: Felton Havins, Jr.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Twenty-five thousand pounds gross weight, 49.2 Feet Length''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: The vessel is currently located in Amelia Island, Florida and will be use primarily in that part of the coastal southeastern US with occasional transits to the Bahamas. The vessel is principally for my personal use with proposed leasing from time to time to a local sailing school as an instructional vehicle for their advanced/offshore courses. I also anticipate occasional (approximately six times per year) charters for a maximum of six passengers''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1991. Place of construction: France.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''LADY CATHERINE is the largest and most fully equipped sailing vessel available in the local six passenger sailing charter market. The local sailing school has no access to any other comparably equipped vessel for their advanced classes of instruction''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''LADY CATHERINE was built in 1991. Therefore, there is no foreseeable negative impact on US shipyards. To the contrary, currently all maintenance and upgrades are being performed locally in US owned/operated shipyards.''

By Order of the Maritime Administrator.

Dated: March 19, 2002.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7162 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11873]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MISTLETOE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the

effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11873. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: MISTLETOE. Owner: Dr. & Mrs. Wesley A. Dunn.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''55 feet loa, beam 16′, depth 5′, Gross Tonnage 29, Net 23''.

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Florida Atlantic and Gulf coast Waters to Louisiana including adjacent waters. We plan primarily to do custom cruises for lunch, golf outings, or sunset dinner cruises in an upscale manner with an upper limit of 12 and a Coast Guard Licensed Captain. We would also do overnight trips for no more than 4 passengers with appropriate licensed crew. We would anticipate doing some fishing, should our passengers wish, although we would not consider our yacht a charter fishing boat.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1994. Place of construction: Ping Tong, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''Impact on other local charter boats would be minimal. Charter boat operations in our area are primarily fishing charters involving smaller vessels. There are about 4 large boats that carry 30 or more passengers on daytime and sunset cruises. Neither type operation wold be in competition with our low volume, high-end market.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''this waiver would have no impact on US shipyards. We have been using US ship yards for our yearly haul outs, maintenance and repairs.''

Dated: March 19, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7161 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–11874]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TRADEWINDS.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before April 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–11874. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement:

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: Tradewinds. Owner: Jay Hill, Daniel Tingley and Pam Tingley.

(2) Size, capacity and tonnage of vessel. *According to the applicant: ''Size of vessel:* 37.9′, *Capacity of Vessel:* 14 Net Tons or 32 persons, *Tonnage of Vessel:* 18 Gross Tons''.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* ''*Intended use for this vessel is three-fold as follows:* (1) Local knowledge indoctrination sailings from Kemah, Texas (Clear Lake) to Galveston, Texas (Galveston Island) including day sailing in the Gulf of Mexico coastal region not to exceed 20 miles offshore for hire with not more than four passengers. This indoctrination is designed to allow aspiring sailors who have participated in sail training programs, to move from inland waters to coastal and near-coastal environments with the advantage of experienced Captain and Crew aboard. (2) Sail training for American Sailing Association and US sailing Keelboat Certification Systems in the Gulf of Mexico and neighboring coastal waters including offshore passage making from Galveston Bay to Florida, Maine, Bahamas, and limited areas of Mexico * * * (3) Owners' personal recreational use.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1977. *Place of construction:* Tamsui Taipei Hsien, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''This waiver will allow an additional Uninspected Passenger Vessel to begin operations in the Galveston Bay area. Due to the targeted customer base, the only impacts we can foresee in the use of this vessel is its addition to the water traffic in the Clear Lake (Kemah Inlet) and Galveston Bay (Houston Ship Channel) waterways, and the addition of a Captained Charter Vessel in the area. After extensive research, we have found that existing operators are of the following types: (1) Inspected vessels that conduct short-duration bay cruises for hire, (2) inspected vessels that conduct guided fishing excursions, dinner cruises, or special event cruises for hire, (3) uninspected vessels that conduct near-shore sail training in the Galveston Bay direct regional area, (4) uninspected charter vessels where customers may hire a Captain to operate the vessel. We feel our niche in the market will not adversely affect any of the above operators.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''This waiver for a single uninspected vessel with a passenger limit of six passengers will not adversely impact U.S. shipyards in that U.S. shipyards currently build/manufacture large quantities of vessels capable of performing the same intended uses listed in (3) above. No attempt to broker, endorse, sell, or advertise the vessel type and manufacturer in this waiver is intended nor will it be made. We simply enjoy the vessel and wish to use it in our business.''

Dated: March 19, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–7163 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Eighth Quarterly Meeting of the Crash Injury Research and Engineering Network (CIREN)

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Eighth Quarterly Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at ten Level 1 Trauma Centers linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATES AND TIMES: The meeting is scheduled from 9 a.m. to 5 p.m. on Thursday, April 25, 2002.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation headquarters, 400 Seventh Street, SW, Room 2230, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. CIREN cases may be viewed from the NHTSA/CIREN web site at: *http://www-nrd.nhtsa.dot.gov/include/bio_and_trauma/ciren-final.htm.* NHTSA has held three Annual Conferences where CIREN research results were presented. Further information about the three previous CIREN conferences is also available through the NHTSA website. NHTSA held the first quarterly meeting on May 5, 2000, with a topic of lower extremity injuries in motor vehicle crashes; the second quarterly meeting on July 21, 2000, with a topic of side impact crashes; the third quarterly meeting on November 30, 2000, with a topic of thoracic injuries in crashes; the fourth quarterly meeting on March 16, 2001, with a topic of offset frontal collisions; the fifth quarterly meeting on June 21, 2001, on CIREN outreach efforts; the sixth quarterly meeting (held in Ann Arbor, Michigan) with a topic of injuries involving sport utility vehicles, and the seventh quarterly meeting on December 6, 2001, with a topic of Age Related Injuries (Elderly and Children). Presentations from these meetings are available through the NHTSA website.

NHTSA plans to continue holding quarterly meetings on a regular basis to disseminate CIREN information to interested parties. This is the eighth such meeting. The topic for this meeting is Brain and Traumatic Head Injuries. Subsequent meetings have tentatively been scheduled for August 2002 and December 2002. These meetings are in lieu of an annual CIREN conference.

Please be aware that this is a closed building. Attendees to this meeting must present photo identification, pass through the xray and magnetometer, and be escorted to the meeting room so please allow sufficient time to complete this process.

Should it be necessary to cancel the meeting due to inclement weather or to any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's web site *http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.* If you do not have access to the web site, you may call the contact listed below and leave your telephone or fax number. You will be called only if the meeting is postponed or canceled.

FOR FURTHER INFORMATION CONTACT: Mrs. Donna Stemski, Office of Human-Centered Research, 400 Seventh Street, SW, Room 6220, Washington, DC 20590, telephone: (202) 366–5662.

Issued on: March 21, 2002.

Raymond P. Owings,

Associate Administrator for Research and Development, National Highway Traffic Safety Administration.

[FR Doc. 02–7228 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2002–11780]

Notice of Receipt of Petition for Decision That Nonconforming 2001 and 2002 Vespa ET2 and ET4 Motor Scooters Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2001 and 2002 Vespa ET2 and ET4 motor scooters are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001 and 2002 Vespa ET2 and ET4 motor scooters that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 25, 2002.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of North Miami, Florida (''ACI'') (Registered Importer 01–278) has petitioned NHTSA to decide whether non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters are eligible for importation into the United States. The vehicles, which ACI believes are substantially similar, are 2001 and 2002 Vespa ET2 and ET4 motor scooters that were manufactured for importation into and sale in the United States and certified by their manufacturer, Piaggio & Co. SpA. as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

ACI submitted information with its petition intended to demonstrate that non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 122 *Motorcycle Brake Systems,* and 205 *Glazing Materials.*

The petitioner also states that the original manufacturer has stamped into the frame of each non-U.S. certified 2001 and 2002 Vespa ET2 and ET4 motor scooters a unique 17-digit vehicle identification number (VIN) that meets the requirements of 49 CFR Part 565.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Replacement of all bulbs, including headlamp, stop lamp, and directional signals, with U.S.-certified components; (b) replacement of the stop lamp lens with a U.S.-certified component; (c) installation of U.S.-certified front amber reflectors; (d) installation of a U.S.-certified rear reflector; (e) installation of U.S.-certified rear red reflector.

Standard No. 111 *Rearview Mirrors:* Inscription of the required warning statement on the rearview mirrors, or replacement of those mirrors with U.S.-model components.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* Installation of a tire information label that displays the recommended tire size, rim size, and cold inflation pressure. The petitioner states that the vehicles are equipped from the factory with rims that are marked in accordance with the standard, identical to those on their U.S.-certified counterparts.

Standard No. 123 *Motorcycle Controls and Displays:* (a) Installation of a U.S. model speedometer calibrated in miles per hour and a U.S. model odometer that measures distance traveled in miles; (b) installation of a supplemental engine stop control on the right side of the handlebar, identified as ''engine stop,'' with ''off'' and ''run'' positions.

The petitioner states that when the vehicle has been brought into conformity with all applicable Federal motor vehicle safety standards, a certification label that meets the requirements of 49 CFR part 567 will be affixed to the frame of the motor scooter.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal**

Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 19, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 02–7164 Filed 3–25–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 20, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 25, 2002, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0146.

Form Number: IRS Form 2553.

Type of Review: Extension.

Title: Election by a Small Business Corporation.

Description: Form 2553 is filed by a qualifying corporation to elect to be an S corporation as defined in Code section 1361. The information obtained is necessary to determine if the election should be accepted by the IRS. When the election is accepted, the qualifying corporation is classified as an S corporation and the corporation's income is taxed to the shareholders of the corporation.

Respondents: Business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 500,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	8 hr., 51 min.
Learning about the law or the form	3 hr., 10 min.
Preparing, copying, assembling, and sending the form to the IRS	3 hr., 27 min.

Frequency of Response: Other (once).

Estimated Total Reporting/Recordkeeping Burden: 7,745,000 hours.

OMB Number: 1545–0819.

Regulation Project Number: 26 CFR 601.201.

Type of Review: Extension.

Title: Instructions for Requesting Rulings and Determination Letters.

Description: The National Office issues ruling letters and District Directors issue determination letters to taxpayers interpreting and applying the tax laws to a specific set of facts. The National Office also issues other types of letters. The procedural regulations set forth the instructions for requesting ruling and determination letters.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions, farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 271,914.

Estimated Burden Hours Per Respondent: 55 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 248,496 hours.

OMB Number: 1545–0988.

Form Number: IRS Form 8609 and Schedule A.

Type of Review: Extension.

Title: Low-Income Housing Credit Allocation Certification (8609); and Annual Statement (Schedule A).

Description: Owners of residential low-income rental buildings may claim a low-income housing credit for each qualified building over a 10-year credit period. Form 8609 is used to get a credit allocation from the housing-credit agency. The form, along with Schedule A, is used by the owner to certify necessary information required by the law.

Respondents: Business or other for-profit, individuals or households, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 120,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
Form 8609	8 hr., 51 min.	3 hr., 4 min	3 hr., 21 min.
Schedule A (8609)	6 hr., 41 min.	1 hr., 12 min	1 hr. 20 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,770,200 hours.

Clearance Officer: Glenn Kirkland, Internal Revenue Service, Room 6411, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503, (202) 395–7860.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 02–7193 Filed 3–25–02; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Tuesday,
March 26, 2002

Part II

Department of Housing and Urban Development

Super Notice of Funding Availability (SuperNOFA) for HUD's Discretionary Grants Programs for Fiscal Year 2002; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4723–N–01]

Super Notice of Funding Availability (SuperNOFA) for HUD's Discretionary Grant Programs for Fiscal Year 2002

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Discretionary Grant Programs.

SUMMARY: This Fiscal Year (FY) 2002 SuperNOFA announces the availability of approximately $2.2 billion in HUD program funds covering 41 grant categories within programs operated and administered by HUD offices. The General Section of this SuperNOFA provides the application procedures and requirements that are applicable to all the programs in this SuperNOFA. The Program Section of this SuperNOFA provides a description of the specific programs for which funding is made available and describes any additional procedures and requirements that are applicable to a specific program. Please be sure you read both the General Section and the Program Section of this SuperNOFA to ensure you respond to all the requirements for funding.

APPLICATION DUE DATES: The information in this ''APPLICATION DUE DATES'' section applies to all programs that are part of this SuperNOFA. You, the applicant, must submit a completed application to HUD on or before the respective program's application due date. Application due dates can be found in the HUD FY 2002 SuperNOFA Funding Chart located in this General Section. Information for each program is reiterated in the appropriate Program Section of this SuperNOFA. HUD will not accept any applications sent by facsimile (fax).

ADDRESSES AND APPLICATION SUBMISSION PROCEDURES:

New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD's new policy is:

- No hand deliveries will be accepted;
- Applications sent to the Robert C. Weaver HUD Headquarters Building or the Public and Indian Housing Grants Management Center may only be shipped using DHL, Falcon Carrier, Federal Express (FedEx), United Parcel Service (UPS), or United States Postal Service (USPS);
- Applications submitted to HUD Field Offices must be sent via the USPS;
- All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date; and,
- All applicants who mail applications must have a Certificate of Mailing (USPS Form 3817) as their documentary evidence that the application was filed on time.

Addresses. You, the applicant, must submit a complete application and the required number of copies to the locations identified in the Program Section of this SuperNOFA. When submitting your application, you must refer to the name of the program for which you are seeking funding.

If your application is due to the Robert C. Weaver Building, HUD Headquarters, you must send the application to the following address: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Applications submitted to the Public and Indian Housing Grants Management Center (GMC) should be addressed to Grants Management Center, 501 School Street, SW, Suite 800, Washington, DC 20024. (See the HUD FY 2002 SuperNOFA Funding Chart or Program Section for room location and additional information regarding the addresses for application submission.) Please make sure that you note the correct room number to ensure that your application is not misdirected. Addresses for HUD Field Offices are listed in Appendix A–1 of the General Section of this SuperNOFA.

Applications Sent by Overnight/Express Mail Delivery to HUD Headquarters or the Public and Indian Housing Grants Management Center. If your application is sent by overnight delivery or express mail to HUD Headquarters or the Public and Indian Housing Grants Management Center, your application will be filed on time if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service no later than the application due date. Delivery must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM, Eastern Time, Monday through Friday.

Copies of Applications. The Program Section of this SuperNOFA may specify that to facilitate the processing and review of your application, one or more copies of the application also must be sent to an additional HUD location (for example, a copy to the HUD Field Office and the original application to HUD Headquarters). Please follow the directions of the Program Section to ensure that you submit your application to the proper location(s). If you are required to submit applications to HUD Headquarters *and* Field Offices, timeliness of submission will be based on the time your application is received at HUD Headquarters.

FOR APPLICATION KITS, FURTHER INFORMATION AND TECHNICAL ASSISTANCE: The information in this section is applicable to all programs that are part of this SuperNOFA. This section describes how you may obtain application kits, additional information about the SuperNOFA, and technical assistance. A guidebook to HUD programs titled ''Connecting with Communities: A User's Guide to HUD Programs and the 2002 SuperNOFA process'' is available from the SuperNOFA Information Center and the HUD website at www.hud.gov. This guidebook provides a brief description of all HUD programs, a description of the SuperNOFA programs, eligible applicants for these programs, and examples of how programs can work in combination to serve local community needs. To obtain a guidebook, application kit, or print copy of the General Section or program NOFA, call the SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 (TTY). Copies of all documents related to the SuperNOFA may be downloaded from HUD's website, www.hud.gov.

For Application Kits and SuperNOFA User Guide. HUD is pleased to provide you with instructions for applying for all HUD programs that are part of this SuperNOFA. The instructions are designed to guide you through the application process and ensure that your application addresses all requirements for the program funding you are seeking. For some announcements of funding availability in this SuperNOFA, HUD provides an application kit; for others, no application kit is required. Each Program Section will specify whether there is an application kit, or only the instructions in the SuperNOFA.

Please note that if there is a discrepancy between information provided in the application kit and the information provided in the published SuperNOFA, the information in the published SuperNOFA prevails. Therefore, please be sure to review your application submission against the requirements in the SuperNOFA.

You may request general information and application kits from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)). When requesting an application kit, please refer to the name of the program

you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare your application, requests for application kits can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD website, www.hud.gov.

Consolidated Application Submissions. If you, the applicant, would like to apply for funding under more than one program in this SuperNOFA, you need only submit one original SF–424 and set of assurances and certifications, accompanied by the HUD–424M provided in this SuperNOFA. Once you have submitted one original set of forms, certifications, and assurances, you need send only copies of these standard items with any additional application you submit. Make sure to specify the correct program, however, on each copy of the SF–424 application form and indicate the program to which you have submitted the original signature forms for the standard assurances and certifications. Additionally, the Program Section may specify additional forms, certifications, assurances, or other information that may be required for a particular program in this SuperNOFA.

For Further Information. For answers to questions you may have about this SuperNOFA, you have several options. You may call the SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 (TTY) between the hours of 9:00 AM and 8:00 PM Eastern Time or you may contact the HUD Office or Processing Center serving your area at the telephone number listed in the SuperNOFA for the program in which you are interested. You may also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD website, www.hud.gov.

For Technical Assistance. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this SuperNOFA. However, HUD staff are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of each broadcast, consult the HUD website, www.hud.gov.

Streamlining Grants. The Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107) directs each Federal agency to develop and implement a plan that, among other things, streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency. This law also requires the Director of the Office of Management and Budget (OMB) to direct, coordinate, and assist Federal agencies in establishing (1) a common application and reporting system and, (2) an interagency process for addressing ways to streamline and simplify Federal financial assistance application and administrative procedures and reporting requirements for program applicants.

This law also requires OMB to consult with the grantee community as it works with the Federal agencies to develop and implement the course of action that would be undertaken by the Federal agencies to establish an electronic site for accessing grant information and applications. Over the last year, HUD has held outreach sessions informing you of the goals of this new law and seeking your input as the Federal agencies work together to achieve implementation. To find out about the work being done by the Federal agencies to streamline and consolidate the grant application and reporting requirements please go to www.iaegc.gov.

HUD is an active member in the Federal agency working group working to streamline grant application requirements and has established a website where you can obtain information about all grant programs within HUD. You can access this site from our homepage at www.hud.gov by clicking on ''HUD Program inventory.'' In the future, HUD plans to link this site to grant information of other Federal agencies. If you are interested in finding out more about the ''Federal Commons'' and the work being done by other agencies, please visit the Inter-Agency Electronic Grants Committee (IAEGC) website at www.fedcommons.gov.

Introduction to the FY 2002 SuperNOFA

HUD'S FY 2002 SUPERNOFA PROCESS

Background

This is the fifth year HUD is issuing a SuperNOFA for the majority of its competitive grant programs and other financial assistance programs. The SuperNOFA announces the availability of the majority of HUD's discretionary funds. The document is designed to simplify the application process, bring consistency and uniformity to the application and selection process, and make it easier to find funding opportunities available from the Department because they are released early in the year and at the same time. Equally important, the SuperNOFA approach is designed to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs. The SuperNOFA provides a ''menu'' of HUD programs. From this menu, communities will be made aware of funding available for their jurisdictions. Non-profit organizations, public housing agencies, local and State governments, tribal governments and tribally-designated housing entities, veterans service organizations, faith-based and other community-based non-profit organizations, and others will be able to identify the programs for which they are eligible for funding.

By providing access to information about available funding at one time, HUD believes applicants are better able to coordinate service within communities to avoid duplication and more efficiently serve those most in need of assistance.

HUD's Strategic Goals

As part of its internal strategic planning processes, the Department has re-assessed its policy goals and priorities for the next five years and, as a result, is in the process of updating the HUD Strategic Plan framework. Activities funded through this SuperNOFA are meant, to the extent practicable, to support the new Strategic Goals described below. Note that these goals reflect an interim change to HUD's Strategic Plan. In FY 2002, the Department will fully revise its Strategic Plan after consultation with stakeholders and Congress.

Strategic Goal 1: Make the home-buying process less complicated, the paperwork less demanding and the mortgage process less expensive. This is a new Strategic Goal that will help to focus the Department's work in

enforcing the Real Estate Settlement Procedures Act and countering predatory lending. HUD's activities under this Strategic Goal will help to make homeownership more accessible and less expensive for millions of families and help protect them from predatory lending.

Strategic Goal 2: Help families move from rental housing to homeownership. HUD's second Strategic Goal focuses on HUD's activities to expand homeownership opportunities for minorities, persons with disabilities, and other Americans, and to help families that rent be able to afford the costs of rental housing.

Strategic Goal 3: Improve the quality of public housing and provide more choices for its residents. HUD's goals for its public and assisted housing programs go beyond simply providing affordable housing. HUD also strives to improve the *quality* of the housing opportunities provided to families in public and assisted housing. This Goal focuses on improving the management accountability and physical conditions of public and assisted housing and on maximizing the potential of these programs to help families make progress towards self-sufficiency and become homeowners.

Strategic Goal 4: Strengthen and expand faith-based and other community partnerships that enhance communities. HUD has a long and rich history of cooperating with faith-based and other community-based organizations to address the needs of underserved communities, including the needs of those Americans for whom homelessness, the lack of affordable housing, and limited alternatives for special needs housing lead to despair and hopelessness. Building on this history, HUD plans to strengthen and expand its partnerships with faith-based and other community-based groups to take further advantage of their capacity to provide quality services to communities and families.

Strategic Goal 5: Effectively address the challenge of homelessness. HUD is the primary agency responsible for providing housing and related resources to prevent homelessness and help homeless families and individuals move to permanent housing. HUD has a number of objectives with respect to its homelessness work, including that of ending chronic homelessness in 10 years.

Strategic Goal 6: Embrace high standards of ethics, management and accountability. In order to be effective in meeting HUD's other Strategic Goals, it is essential that HUD and HUD's partners embrace high standards of ethics, management, and accountability. The Secretary has established improved ethics and accountability of HUD staff and HUD's partners as ''perhaps the most important'' of HUD's priorities. This Goal cuts across all of HUD's programs and applies to each HUD employee and to every organization that partners with HUD to help HUD accomplish its mission.

Strategic Goal 7: Ensure equal opportunity and access to housing. HUD's core mission has always been to help families find affordable and decent housing. This mission will be fulfilled when all Americans are given an equal opportunity to buy or rent housing that matches their individual needs. Unfortunately, instances of discrimination against minorities, architectural barriers to persons with disabilities, and a lack of housing options for the elderly have all combined to exclude some Americans from enjoying the fruits of America's prosperity. HUD is committed to ending the practice of discrimination through enforcement of fair housing laws as well as through educating lenders, landlords, and tenants in complying with the laws.

Strategic Goal 8: Support community and economic development efforts. HUD funds a variety of programs that help to support the community and economic development efforts of state and local communities. The largest of these programs is the Community Development Block Grant program. Other programs include Section 108 loan guarantees, the Brownfields Economic Development Initiative, the Lead Hazard Reduction and the Healthy Homes Program, the University Partnership Programs, the Indian Community Development Block Grant and Renewal Communities, Empowerment Zones and Enterprise Communities. Additionally, HUD's Native eDGE initiative supports a telephone call center, a publications clearinghouse, website, and a technical assistance information center so that tribes, Native Americans, lending institutions, and private businesses wishing to do business with Tribal governments and entities can collaborate to promote economic growth.

Changes in the SuperNOFA Process for FY 2002

Rating Factors. Applications for most programs in this SuperNOFA will be rated according to five standard Rating Factors (see Section III (C) below). For FY 2002, Rating Factor 5, ''Coordination, Self-Sufficiency and Sustainability,'' has been expanded to reflect this Administration's priority for fostering self-sufficiency.

Coordination means you, the applicant, are working with other organizations that are *not* directly participating in your proposed work activities and have agreed to share information and outcomes that result from the successful completion of your activities, so that the other organizations and members of the community can benefit from the results and improve the overall success of related activities within the community. The goal of coordination is to ensure that programs do not operate in isolation. Coordination looks beyond the support given to the applicant's program claimed by the applicant under Rating Factor 4, Leveraging, and asks ''How does the applicant's program fit into other activities and programs that are being carried out by others in the community?''

Self-sufficiency refers to the extent to which proposed activities can result in increased independence and empowerment. Increased independence can result from expanded job opportunities, homeownership, or housing in a wider range of neighborhoods, additional educational opportunities, and improved living environments.

Sustainability refers to two distinct issues: (1) The potential for an applicant organization to become financially self-sustaining; and, (2) the potential of a specific project or activity to be sustained into the future absent any HUD funding. Just as a business plan presents to a commercial lender an outline of a course of action for an organization to become profitable, the information in the application for this factor will outline a realistic path for the applicant to become financially independent without a need for continued HUD funding.

Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for at least 120 days after awards for assistance are announced, HUD will provide any requesting applicant with a debriefing on their application. All requests for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office. Submit your request to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance'' or as specified in the Program Section of the SuperNOFA under which you applied for assistance. Information provided to you during your debriefing will include, at a

minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

Points Deducted for Poor Performance. As part of HUD's efforts to place greater emphasis on accountability, applicants who received prior awards and failed to meet their program goals may have points deducted from their rating score. Specific details on how points will be deducted are included, as applicable, in the Program Section of the SuperNOFA.

New Programs and Changes to Programs. The FY 2002 SuperNOFA includes the following new funding opportunities:

- Housing Counseling Services Targeting the Colonias;
- Public Housing Resident Opportunity and Self-Sufficiency (ROSS) for Neighborhood Networks Program; and
- Public Housing Resident Opportunity and Self-Sufficiency (ROSS) for Homeownership Supportive Services Program.

Funding opportunities that have changed significantly or been renamed include:

- Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinators Program, replacing Family Self Sufficiency (FSS) Program Coordinators;
- Healthy Homes Demonstration Program, replacing the Healthy Homes Demonstration and Education Program of Fiscal Year 2001; and
- Healthy Homes and Lead Technical Studies, replacing the program for Healthy Homes Research.

Not Available for FY 2002. Funding opportunities that were part of the FY 2001 SuperNOFA but are not available in FY 2002 are:

- Public Housing Drug Elimination—Technical Assistance Program (DETAP);
- Indian Housing Drug Elimination Program;
- Drug Elimination New Approach Anti-Drug Program;
- Drug Elimination Grants for Multifamily Low Income Housing; and,
- Community Housing Development Organization (CHDO) TA.

Funding will be announced later in the year for:

- Revitalization of Severely Distressed Public Housing (HOPE VI);
- Homeownership Research Studies;
- Lead Elimination Action Program (LEAP); and
- Urban Scholars Fellowship Program.

Funding Notices Issued Prior to the SuperNOFA. Due to statutory deadlines for the obligation of funds or for other reasons, there are several programs that have been issued prior to the SuperNOFA. These include:

- Fair Share Allocation of Incremental Voucher Funding;
- Community Development Work Study Program; and
- Capacity Building for Community Development and Affordable Housing. Information on these programs is available on the HUD website at *www.hud.gov.*

Changes to the HOPE VI Program. As indicated earlier, HOPE VI is not included in the FY 2002 SuperNOFA. The HOPE VI NOFA will be published separately in the **Federal Register** at a later date and will be posted on the HUD website, www.hud.gov. Each eligible PHA will receive a HOPE VI Application Kit that will also include the published NOFA. HUD anticipates that the FY 2002 HOPE VI NOFA will reflect some significant changes. Thresholds and rating criteria are being re-examined with a particular emphasis on issues of project readiness, extent of severe distress, leverage, grant amounts and distribution, homeownership, and relocation-related services.

Changes to Policy Priorities. Section VI of this SuperNOFA has been updated to reflect the changes in policy priorities. Please be sure to read the section carefully. Among the new priorities are the inclusion of faith-based and other community-based organizations in program development and implementation, and an emphasis on services to the Colonias. This SuperNOFA also reflects administrative initiatives announced by the Secretary, including a commitment to core values and ethical business practices and an intention to foster intergovernmental partnership and strengthen state and local participation in Federal programs.

Organization of the SuperNOFA

The SuperNOFA is divided into two major sections, the General Section and the Program Section. The General Section of the SuperNOFA describes the procedures and requirements applicable to all applications. The Program Section of the SuperNOFA describes each program and program component that is part of this SuperNOFA. For each funding opportunity, the Program Section describes the eligible applicants, eligible activities, factors for award, and any additional requirements or limitations. Please read both sections carefully to be sure your application is complete. Your attention to the sections will ensure that you apply for funding for which your organization is eligible and that you fulfill all the requirements for application submission.

As part of the simplification of this funding process and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs that are part of this SuperNOFA. HUD programs that provide assistance for, or complement, similar activities (for example, the Continuum of Care programs and CPD Technical Assistance programs) have a consolidated application that reduces the administrative and paperwork burden applicants would otherwise encounter. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated and for which a consolidated application is made available to eligible applicants.

HUD provides copies of all required forms in this publication. The standard forms, certifications, and assurances applicable to all programs, or the great majority of programs, in the SuperNOFA follow the General Section as Appendix B. The forms and any additional certifications and assurances that are unique to the individual program will follow that program section of the SuperNOFA.

The specific statutory and regulatory requirements of the programs that are part of this SuperNOFA continue to apply to each program. The SuperNOFA will identify, where necessary, the statutory requirements and differences applicable to the specific programs. *Please pay careful attention to the specific submission requirements that are identified for each funding opportunity. Not all applicants are eligible to receive assistance under all funding opportunities identified in this SuperNOFA.*

The Programs of This SuperNOFA and the Amount of Funds Allocated

The funding opportunities that are part of this SuperNOFA are identified in the following chart. The amount of funds available is based on funds appropriated in FY 2002 and funds recaptured from prior years' appropriations. In the event that HUD recaptures program funds or other funds become available for a program, HUD reserves the right to increase the available funding by these additional amounts.

The chart also includes the application due date, the OMB approval number for the information collection requirements, and the Catalog of Federal Domestic Assistance (CFDA) number for each funding opportunity.

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HUD FY 2002 SuperNOFA Funding

Program Name	Funding Available (funding is approximate)	Application Due Date	Submission Location and Room
HOUSING AND COMMUNITY DEVELOPMENT			
Community Development Technical Assistance (TA)	**Up to $10 million**		
HOME TA CFDA No. 14.239 OMB Approval No: 2506-0166	Up to $5 Million	June 7, 2002	HUD Headquarters Room 7251 and a copy to appropriate local HUD Office
McKinney-Vento Homeless Assistance Programs TA CFDA No. 14.235 OMB Approval No: 2506-0166	Up to $3 million	June 7, 2002	HUD Headquarters Room 7251 and a copy to appropriate local HUD Office
HOPWA TA CFDA No. 14.241 OMB Approval No: 2506-0133	Up to $2 million	June 7, 2002	HUD Headquarters Room 7251 and one copy to appropriate local HUD Office
Community Development Block Grant Assistance	**Up to $70 million**		
Community Development Block Grants for Indian Tribes and Alaskan Native Villages CFDA No. 14.862 OMB Approval No.: 2577-0191	Up to $70 million	June 6, 2002	HUD Area ONAP Office
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	**Up to $37.1 million**		
Community Outreach Partnership Centers (COPC) CFDA No. 14.511 OMB Approval No: 2528-0180	Up to $7.5 million	June 20, 2002	HUD Headquarters Room 7251
Historically Black Colleges and Universities (HBCU) Program CFDA No. 14.237 OMB Approval No.: 2506-0122	Up to $10.5 million	June 20, 2002	HUD Headquarters Room 7251 and one copy to local HUD Field Office

Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No. 14.514 OMB Approval No.: 2528-0198	Up to $10.1 million	June 20, 2002	HUD Headquarters Room 7251
Alaska Native/Native Hawaiian Communities Program (AN/NHIAC) CFDA No. 14.515 OMB Approval No.: 2528-0206	Up to $6 million	June 20, 2002	HUD Headquarters Room 7251
Tribal Colleges and Universities Program (TCUP) CFDA No.: 14.519 OMB Approval No.: 2528-0215	Up to $3 million	June 20, 2002	HUD Headquarters Room 7251
FAIR HOUSING OUTREACH, ENFORCEMENT AND HOUSING COUNSELING			
Fair Housing Programs	**Up to $20 million**		
Fair Housing - Private Enforcement Initiative (PEI) CFDA No. 14.410 OMB Approval No.: 2539-0033	Up to $11.82 million	May 22, 2002	HUD Headquarters Room 5224
Fair Housing Education and Outreach Initiative (EOI) CFDA No.14.409 OMB Approval No.: 2539--0033	Up to $6.32 million	May 22, 2002	HUD Headquarters Room 5224
Fair Housing Organizations Initiative (FHOI) CFDA No. 14.413 OMB Approval No.: 2539-0033	Up to $2.1 million	May 22, 2002	HUD Headquarters Room 5224
Housing Counseling Programs	**Up to $18.25 million**		
Housing Counseling – Local Housing Counseling Agencies (LHCA) CFDA No. 14.169 OMB Approval No.: 2502-0261	Up to $6.6 million	May 17, 2002	Appropriate HUD Homeownership Center

Housing Counseling – National and Regional Intermediaries CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $10.4 million	May 17, 2002	HUD Headquarters Room 9166
Housing Counseling – State Housing Finance Agencies (SHFA) CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $1 million	May 17, 2002	Appropriate HUD Homeownership Center
Housing Counseling – Colonias CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $250,000	May 17, 2002	Santa Ana Homeownership Center
HEALTHY HOMES AND LEAD HAZARD CONTROL			
Healthy Homes and Lead Hazard Control Programs	**Up to $88.5 million**		
Lead Hazard Control Program CFDA No.: 14.900 OMB Control No.: 2539-0015	Up to $80 million	June 14, 2002	HUD Headquarters Room P3206
Healthy Homes and Lead-Technical Studies CFDA No.: 14.901 OMB Control No.: 2539-0010	Up to $3.5 million	June 14, 2002	HUD Headquarters Room P3206
Healthy Homes Demonstration Program CFDA No.: 14.901 OMB Control No.: 2539-0015	Up to $5 million	June 14, 2002	HUD Headquarters Room P3206
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic Development and Empowerment Programs	**$ 182.1 million**		
Brownfields Economic Development Initiative (BEDI) CFDA No.: 14.246 OMB Control No.:2506-0153	Up to $29 million	July 9, 2002	HUD Headquarters Room 7251
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Control No.: N/A	Up to $22 million	June 19, 2002	HUD Headquarters Room 7251

YouthBuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	Up to $59.75 million	May 30, 2002	HUD Headquarters Room 7251
Rural Housing and Economic Development CFDA No.: 14.250 OMB Approval No.: 2506-0169	Up to $25 million	April 26, 2002	HUD Headquarters Room 7251
Public Housing Resident Opportunity and Self-Sufficiency (ROSS) Programs	**Up to $78.2 million**		
ROSS for Resident Management and Business Development CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $6 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Capacity Building CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $5 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Resident Service Delivery Models CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $21 million	June 18, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Service Coordinator Renewals CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $20 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Neighborhood Networks CFDA No.: pending OMB Approval No.: Pending	Up to $15 million	July 10, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Homeownership Supportive Services CFDA No.: Pending OMB Approval No.: Pending	Up to $11.2 million	July 10, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office

TARGETED HOUSING, HOMELESS AND HOUSING CHOICE VOUCHER ASSISTANCE			
Homeless Assistance	**Up to $950 million**		
Continuum of Care Homeless Assistance Supportive Housing CFDA No. 14.235 Shelter Plus Care CFDA No. 14.238 Section 8 Moderate Rehabilitation Single Room Occupancy CFDA No. 14.249 OMB Approval No. 2506-0112	Up to $950 million	June 21, 2002	HUD Headquarters Room 7270 and two copies to appropriate Field Office
Elderly	**Up to $578.6**		
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	Up to $485.6 million	June 5, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Assisted Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	Up to $93 million	July 3, 2002	Appropriate Multifamily Hub Office
Persons With Disabilities	**Up to $ 238.9 million**		
Section 811 Supportive Housing for Persons With Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	Up to $117.5 million	June 5, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Housing Opportunities for Persons With AIDS (HOPWA) CFDA No.: 14.241 OMB Approval No.: 2506-0133	Up to $27.5 million	May 16, 2002 for Renewals June 25, 2002 for New Projects	HUD Headquarters Room 7251 and two copies to appropriate local HUD Field Office
Mainstream Housing Opportunities for Persons With Disabilities CFDA No.: 14.867 OMB Approval No.: 2577-0169	Up to $53.9 million	July 22, 2002	Grants Management Center

Rental Assistance for Non-elderly Persons With Disabilities Related to Certain Types of Section 8 Project-Based Development and Section 202, 221(d) and 236 Developments CFDA No.: 14.857 OMB Control No.: 2506-0169	Up to $20 million	July 2, 2002	Grants Management Center
Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans CFDA No.: 14.857 OMB Approval No.: 2577-0169	Up to $20 million	Housing Plan - May 20, 2002 Application - July 23, 2002	Plan to the Special Application Center: Application to Grants Management Center
Other Targeted Housing Assistance	**Up to $71.4 million**		
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2577-0198	Up to $25 million	July 3, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.855 & 14.85 OMB Approval No.: 2577-0198	Up to $46.4 million	May 21, 2002	Grants Management Center
EDUCATIONAL PROGRAMS			
Doctoral Educational Programs	**Up to $ .55 million**		
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.: 2528-0216	Up to $150,000	June 20, 2002	HUD Headquarters Room 8106
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.: 2528-0213	Up to $400,000	June 20, 2002	HUD Headquarters Room 8106

Paperwork Reduction Act Statement. The information collection requirements in this SuperNOFA have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The preceding chart provides the OMB approval number for each program that is part of this SuperNOFA. Where the chart notes that an OMB number is pending, this means that HUD has submitted the information to OMB to obtain an approval number and HUD's request for the number is pending. As soon as HUD receives the approval number, the number will be published in the **Federal Register** and provided to the SuperNOFA Information Center. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

General Section of the SuperNOFA

I. Authority, Purposes of the FY 2002 SuperNOFA, Funding Amounts, Restrictions Concerning Tobacco Products and Eligible Applicants and Activities

(A) *Authority.* HUD's authority for making funding available under this SuperNOFA is the FY 2002 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Public Law 107–73, approved November 26, 2001 (FY 2002 HUD Appropriations Act). Generally, this statement of authority is not repeated in the individual program sections of this SuperNOFA. The authority provision in the program sections identifies additional statutes and regulations that authorize the requirements listed for the funding competitions that make up this SuperNOFA.

(B) *Purposes.* The purposes of this SuperNOFA are to:

(1) *Make funding available to empower communities and residents.* The funding made available by this SuperNOFA will assist community leaders and residents, including low- and moderate-income residents and faith-based and other community-based grassroots organizations, in using HUD funds to develop viable communities and provide decent housing for all citizens, without discrimination.

(2) *Simplify the application process for funding under HUD programs.* For the majority of funding in this year's SuperNOFA, the SuperNOFA continues to provide a single, uniform set of rating factors and submission requirements. This year's SuperNOFA also allows you, the applicant, to apply for more than one program with a single application.

(3) *Promote comprehensive approaches to housing and community development.* Through the SuperNOFA process, HUD encourages you, the applicant, to focus on the interrelationships that exist in your community and in the use of HUD's funding programs to build community-wide efforts that coordinate the resources of multiple applicants and programs. To successfully address community needs, solve community problems, and take advantage of existing resources, HUD encourages members of a community to join together and pool all available resources in a common, coordinated effort. By making all of HUD's competitive funding available in one document, HUD encourages you, the applicant, to be able to relate the activities proposed for funding under this SuperNOFA to the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI). Applicants who demonstrate a coordinated effort will obtain higher scores than applicants who do not.

(4) *Promote self-sufficiency and economic opportunity* for the persons and communities being served by your program of activities. HUD's goal is to promote the self-sufficiency of those most in need of assistance, ensuring that the funds provided can result in measurable progress in increasing homeownership opportunities for low income and minority households, providing training and job opportunities so individuals and families can be economically self-sufficient, and better coordinating the delivery of services to homeless persons, persons with disabilities and minorities or residents where English may be a second language.

(C) *Funding Available.* As noted in the Introductory Section of this SuperNOFA, the HUD programs in this SuperNOFA are allocated amounts based on appropriated funds. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding by those amounts.

(D) *Restrictions on the Use of HUD Funds in Support of the Sale of Tobacco Products.* Section 211 of the FY 2001 HUD Appropriations Act prohibits the use of HUD funds to construct, operate, or otherwise benefit a facility or facilities with a designated portion that sells or intends to sell predominantly cigarettes or other tobacco products. The Act defines the predominant sale of cigarettes or other tobacco products to mean sales representing more than 35 percent of annual in-store, non-fuel sales. Therefore, any programs funded with remaining or recaptured FY 2001 funds must adhere to this prohibition.

(E) *Eligible Applicants and Eligible Activities.* The Program Section of the SuperNOFA describes the eligible applicants and eligible activities for each program.

II. Requirements and Procedures Applicable to All Programs

Except as may be modified in the Program Section of this SuperNOFA, the requirements, procedures and principles listed below apply to all programs that are part of this SuperNOFA. Please read the Program Section of the SuperNOFA for additional requirements or information.

(A) *Statutory Requirements.* To be eligible for funding under this SuperNOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which funding is sought. If you need copies of the program regulations, they are available from the SuperNOFA Information Center or through the HUD website, www.hud.gov. HUD will not consider an application from an ineligible applicant. See the Program Section for instructions on how HUD will respond to proposed activities that are ineligible. With the exception of the Section 202 and Section 811 programs, HUD may also eliminate the ineligible activities from funding consideration and reduce grant amounts accordingly.

(B) *Threshold Requirements.*

(1) *Compliance with Fair Housing and Civil Rights Laws.*

(a) With the exception of federally recognized Indian tribes and their instrumentalities, all applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a). If you are a federally recognized Indian tribe, you must comply with the non-discrimination provisions enumerated at 24 CFR 1003.601, as applicable. In addition to these requirements, there may be program-specific threshold requirements identified in the Program Sections of the SuperNOFA.

(b) If you, the applicant:

(i) Have been charged with a systemic violation of the Fair Housing Act alleging ongoing discrimination;

(ii) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an on-going pattern or practice of discrimination; or,

(iii) Have received a letter of non-compliance findings under Title VI, Section 504, or Section 109, and if the charge, lawsuit, or letter of findings has

not been resolved to HUD's satisfaction before the application deadline stated in the individual program NOFA, you may not apply for assistance under this SuperNOFA. HUD will not rate and rank your application. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of on-going discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Conducting Business In Accordance With Core Values and Ethical Standards.* Entities subject to 24 CFR Parts 84 and 85 (most non-profit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (see Sections 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must: prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value; and, outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct.

(3) *Other Threshold Requirements.* The Program Section for the funding for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of ''eligibility'' requirements in the Program Section.

(C) *Additional Non-discrimination Requirements.* You, the applicant, and your subrecipients must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*) and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq*).

(D) *Affirmatively Furthering Fair Housing.* Under Section 808(e)(5) of the Fair Housing Act, HUD is obliged to affirmatively further fair housing. HUD requires the same of its grant recipients. Unless otherwise specified in the Program Section of this SuperNOFA, if you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes are color, national origin, religion, sex, disability or perceived ability, and family status. Unless otherwise instructed in the Program Section of this SuperNOFA, your application must include specific steps to:

(1) Overcome the effects of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; and/or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the Program Section of this SuperNOFA for further information.

The requirements to affirmatively further fair housing apply to:

- Alaskan Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects;
- Brownfields Economic Development Initiative (BEDI);
- Community Outreach Partnership Centers (COPC);
- Continuum of Care Homeless Assistance Programs (SHP, Shelter Plus Care, Section 8 Moderate Rehab);
- Fair Housing Initiatives Program (FHIP);
- Funding Availability for Rental Certificate/Housing Choice Voucher Family Self-Sufficiency (FSS) Program;
- Healthy Homes Demonstration Program;
- Healthy Homes Initiative and Lead Technical Studies;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Counseling;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control Program;
- Mainstream Housing Opportunities for Persons with Disabilities;
- Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program;
- Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans;
- Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Developments;
- Resident Opportunities for Self-Sufficiency (ROSS) for Homeownership Supportive Services;
- Rural Housing and Economic Development (RHED);
- Section 202 Supportive Housing for Elderly Persons;
- Section 811 Supportive Housing for Persons with Disabilities;
- Self-Help Homeownership Opportunity Program (SHOP);
- Service Coordinators in Multifamily Housing; and
- YouthBuild Program.

(E) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Certain programs in this SuperNOFA require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low-income persons. As noted in the Program Section of this SuperNOFA, Section 3 is applicable to the following programs:

- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP);
- Brownfields Economic Development Initiative (BEDI);
- Community Development Block Grant Program for Indian Tribes and Alaska Native Villages;
- Continuum of Care Homeless Assistance Programs;
- Healthy Homes and Lead Technical Studies;
- Healthy Homes Demonstration Program;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control;
- Resident Opportunities and Self-Sufficiency Program (ROSS);
- Section 202 Supportive Housing for the Elderly Program;
- Section 811 Supportive Housing for Persons with Disabilities Program.
- Self-Help Homeownership Opportunity Program (SHOP); and
- YouthBuild Program.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged*

Businesses, and Women-Owned Businesses. HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Too often, these businesses still experience difficulty accessing information and successfully bidding on Federal contracts. State, local, and tribal governments are required by 24 CFR 85.36(e) and non-profit recipients of assistance (grantees and sub-grantees) by 24 CFR 84.44(b), to take all necessary affirmative steps in contracting for purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, or as specified in the Program Section.

(G) *Relocation*. The relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with HUD assistance. Some HUD program regulations also cover persons who are temporarily relocated.

Applicants should review the regulations for the programs for which they are applying when planning their project.

(H) *Forms, Certifications, and Assurances*. You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances listed in this section, unless the requirements in the Program Section specify otherwise. Also, the Program Section may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA.

As part of HUD's continuing efforts to improve the SuperNOFA process, several of the required standard forms have been simplified this year. The standard forms, certifications, and assurances are:

- Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);
- Federal Assistance Funding Matrix and Certifications, (HUD–424M);
- Standard Form for Budget Information—Non-Construction Programs (SF–424A) or Standard Form for Budget Information-Construction Programs (SF–424C), as applicable;

Standard Form for Assurances—Non-Construction Programs (SF–424B) or Standard Form for Assurances—Construction Programs (SF–424D), as applicable;

- Drug-Free Workplace Certification (HUD–50070);
- Certification of Payments to Influence Federal Transaction (HUD–50071) and, if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL) (federally recognized tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State recognized Indian tribes and TDHEs established under State law are required to submit this certification);
- Applicant/Recipient Disclosure/Update Report (HUD–2880);
- Certification Regarding Debarment and Suspension (HUD–2992) as required by 24 CFR 24.510 (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, sub-grants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required);
- Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990), if applicable;
- Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
- Acknowledgment of Application Receipt (HUD–2993); and,
- Client Comments and Suggestions (HUD 2994).

Copies of these standard forms follow this General Section of the SuperNOFA. Copies of forms that are particular to an individual program follow the funding information for that program. Also included in Appendix B to the General Section is the Funding Application for the Housing Choice Voucher Program (HUD 52515).

Note: Forms SF–424A and SF–424C ask for information which is similar to the information required by form HUD 4123—Cost Summary which is listed as a required form under the ICDBG Program Section of this SuperNOFA and which is a required form for that program. Also note that there are assurances separate from SF–424B and 424D for the ICDBG program, which are specific to that program.

(I) *OMB Circulars and Government-wide Regulations Applicable to Grant Programs*. Certain OMB circulars also apply to programs in this SuperNOFA. The policies, guidance, and requirements of OMB Circular A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), OMB Circular A–21 (Cost Principles for Education Institutions), OMB A–122 (Cost Principles for Nonprofit Organizations), OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations), and the regulations in 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments), may apply to the award, acceptance, and use of assistance under the programs of this SuperNOFA, and to the remedies for non-compliance, except when inconsistent with the provisions of the FY 2002 HUD Appropriations Act, other Federal statutes or regulations, or the provisions of this SuperNOFA. Compliance with additional OMB Circulars or government-wide regulations may be specified for a particular program in the Program Section of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications; Room 2200; New Executive Office Building; Washington, DC 20503; telephone (202) 395–7332 (this is not a toll free number); or, from the website, www.whitehouse.gov/omb/circulars/index.html.

(J) *Environmental Requirements*. If you become a grantee under one of the programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) HUD has completed an environmental review in accordance with 24 CFR part 50; or

(2) For programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the Program Section of the SuperNOFA for the applicable program to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Sections 202 or 811 Programs, please note the environmental review requirements for these programs.

(K) *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this SuperNOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information, if applicable: how the selection or non-selection of any applicant under this SuperNOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or, how the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this SuperNOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202–708–3815.

(L) *Accessible Technology.* The Rehabilitation Act Amendments of 1998 apply to all electronic information technology (EIT) used by a grantee for transmitting, receiving, using, or storing information to carry out the responsibilities of any federal grant awarded. The Act's coverage includes, but is not limited to, computers (hardware, software, word-processing, email, and web pages), facsimile machines, copiers and telephones. When developing, procuring, maintaining, or using EIT, funding recipients must ensure that the EIT allows employees with disabilities and members of the public with disabilities to have access to and use of information and data that is comparable to the access and use of information and data by employees and members of the public who do not have disabilities. If these standards impose a hardship on a funding recipient, they may provide an alternative means to allow the individual to use the information and data. However, no grantee will be required to provide information services to a person with disabilities at any location other than the location at which the information services is generally provided.

III. Application Selection Process

(A) *Rating Panels.* To review and rate applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) *Rating.* HUD will evaluate and rate all applications for funding that meet the threshold requirements and rating factors for award described in this SuperNOFA. This will include rating the applicant and/or the applicant's organization and staff for technical merit or threshold compliance as well as any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project. In evaluating applications for funding HUD will take into account applicants' past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State, or local programs; meeting performance targets for completion of activities; and, number of persons to be served or targeted for assistance. HUD may include information at hand or available from public sources such as, but not limited to, newspapers, Inspector General or Government Accounting Office Reports or Findings, and/or hotline complaints that have been proven to have merit. In evaluating past performance, HUD may elect to deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program Section of this SuperNOFA.

(2) *Ranking.* HUD will rank applicants within each program or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA. HUD will rank applicants only against those applying for the same program funding. Where there are set-asides within a program competition, you, the applicant, will compete against only those applicants in the same set-aside competition.

(B) *Threshold Requirements.* HUD will review your application to determine whether it meets all of the threshold requirements described in Section II(B), above. Only applications that meet all of the threshold requirements will be eligible to be rated and ranked.

(C) *Factors for Award Used to Evaluate and Rate Applications.* For each program that is part of this SuperNOFA, the points awarded for the rating factors total 100. Depending upon the program for which you the applicant seek funding, the funding opportunity may provide for up to six bonus points as provided in paragraphs (1)–(3) of this Section III(C).

(1) *RC/EZ/EC.* The SuperNOFA provides for the award of two bonus points for eligible activities/projects that the applicant proposes to be located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhanced Enterprise Communities (EECs), Strategic Planning Communities, or Renewal Communities (RCs), serve the residents of these areas, and are certified to be consistent with the area's strategic plan. (For ease of reference in the SuperNOFA, all these federally designated areas are collectively referred to as ''RC/EZ/ECs'' and residents of any of these federally designated areas as ''RC/EZ/EC residents.'') The individual funding announcement will indicate if the bonus points are available for that funding. The SuperNOFA contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points. A list of RCs, EZs, ECs, EECs, and Strategic Planning Communities is attached to this General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD website, www.hud.gov.

(2) *Brownfield Showcase Communities:* In the BEDI competition, two bonus points are available for federally designated Brownfields Show Case Communities. (Please see BEDI section of this SuperNOFA for additional information.) A list of the federally designated RCs, EZs, ECs, Enhanced ECs, and Brownfield Showcase Communities is available from the SuperNOFA Information Center or through the HUD website, www.hud.gov.

(3) *Court-Ordered Consideration.* For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low-income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low-income housing programs have on potential participants in the programs covered by this SuperNOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 bonus points to

the score based upon this consideration. This special consideration results from an order of the U.S. District Court for the Northern District of Texas, Dallas Division. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(4) *The Five Standard Rating Factors.* The majority of programs in this SuperNOFA use the five rating factors described below. Additional details about the five rating factors and the maximum points for each factor are provided in the Program Section of the SuperNOFA. You, the applicant, should carefully read the factors for award as described in the Program Section of the SuperNOFA. HUD has established these five factors as the basic factors for award in every program that is part of this SuperNOFA. For a specific funding opportunity, however, HUD may have modified these factors to take into account specific program needs or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section, are:

Factor 1: Capacity of the Applicant and Relevant Organizational Staff

Factor 2: Need/Extent of the Problem

Factor 3: Soundness of Approach

Factor 4: Leveraging Resources

Factor 5: Coordination, Self-Sufficiency and Sustainability

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) *Negotiation.* After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant.

(E) *Adjustments to Funding.*

(1) HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of the funds and that the purposes of a specific program are met.

(2) HUD will not fund any portion of your application that: is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this SuperNOFA; or may be duplicative of other funded programs or activities from previous years' awards or other selected applicants. Only the eligible portions of your application (including non-duplicative portions) may be funded.

(3) If funds remain after funding the highest-ranking applications, HUD may fund all or part of the next highest-ranking application in a given program. If you, the applicant, turn down an award offer, HUD will make an offer of funding to the next highest-ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program where there is a balance of funds.

(4) In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) Performance and Compliance Actions of Grantees. HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective programs.

IV. Application Submission Requirements

As discussed in the Introductory Section of this SuperNOFA, part of the simplification of this funding process is to reduce the duplication of effort that has been required of applicants in the past. Before the SuperNOFA process, many of HUD's applicants were required to complete and submit similar applications for HUD funded programs. As the Program Chart shows, the FY 2002 SuperNOFA provides, as did the previous SuperNOFAs, for consolidated applications for several of the programs for which funding is available under this SuperNOFA.

V. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. Examples of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. (Sections 202 and 811 Programs provide for appeal of rejection of an application on technical deficiency. Please see the Program Section for these programs for additional information and instructions.)

VI. HUD's FY 2002 SuperNOFA Policy Priorities

This Section describes important initiatives that HUD is encouraging applicants to undertake in implementing programs funded under this SuperNOFA. Seven SuperNOFA policy priorities are listed below. Each of the seven policy priorities support the interim Strategic Goals listed in Part II of this NOFA, as noted below.

(A) *Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families where English may be a Second Language.* Too often these individuals and families are shut out of the housing market through no fault of their own. HUD encourages applicants to work aggressively to open up the realm of homeownership to many who want the joy, security, and sense of community that comes from owning a home of their own. Proposed activities can support Strategic Goals 1, 2, and 7.

(B) *Improving the Quality of Public Housing and Providing More Choices for Its Residents.* HUD wants to improve the quality of life for those living in public housing, not only by improving the physical surroundings of public housing developments, but by providing residents greater opportunities to move from public housing into homeownership opportunities or into a community with greater housing choices and better educational and employment opportunities. Proposed

activities directly support Strategic Goal 3, but can also support Strategic Goals 4, and 7.

(C) *Encouraging Accessible Design Features.* As described in Section II (B) and (H), applicants must be in compliance with applicable civil rights laws including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. These laws, and regulations implementing them, provide for nondiscrimination based on disability and require housing and facilities to incorporate certain features intended to provide for their use and enjoyment by persons with disabilities.

HUD is encouraging applicants to add accessible design features beyond those required under civil rights laws and regulations. These features would eliminate many other barriers limiting the access of persons with disabilities to housing and other facilities. These accessible design features are intended to promote visitability and incorporate features of universal design as described below:

(i) Visitability in New Construction and Substantial Rehabilitation. Applicants are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. A visitable home also serves persons without disabilities, such as a mother pushing a stroller or a person delivering a large appliance. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)) and also from the Office of Fair Housing and Equal Opportunity; U.S. Department of Housing and Urban Development; Room 5230, 451 Seventh Street, SW.; Washington, DC 20410; 202–755–5404 or 1–800–877 8399 (TTY Federal Information Relay Service). Proposed activities support Strategic Goal 7.

(ii) Universal Design. Applicants are encouraged to incorporate universal design in the construction or rehabilitation of housing, retail establishments, and community facilities funded with HUD assistance. Universal design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities. In addition to any applicable required accessibility features under Section 504 of the Rehabilitation Act of 1973 or the design and construction requirements of the Fair Housing Act, the Department encourages applicants to incorporate the principles of universal design when developing housing, community facilities, electronic communication mechanisms, or when communicating with community residents at public meetings or events. HUD believes that by creating housing that is accessible to all, it can increase the supply of affordable housing for all, regardless of ability or age. Likewise, creating places where people work, train, and interact which are useable and open to all residents increases opportunities for economic and personal self-sufficiency. Proposed activities under this priority will support Strategic Goals 2, 7, and 8.

(D) *Improving Computer Access, Literacy, and Employment Opportunities.* The Department seeks to promote activities that provide access to computers to low- and moderate-income adults and children who do not have access and, therefore, may be disadvantaged with respect to education, work, and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks. Neighborhood Networks enhance the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured or HUD-assisted properties, and public housing by providing on-site computer access and training resources.

Applicants are encouraged to teach adults and children how to use computers to achieve economic self-sufficiency, provide job training and placement, and establish public-private partnerships to support community-learning centers and provide apprenticeship opportunities. Proposed activities can support Strategic Goals 2, 3, 4, 5, 7, and 8.

(E) *Providing Full and Equal Access to Faith-Based and Other Community-Based Organizations in HUD Program Implementation.* (1) HUD encourages non-profit organizations, including grassroots faith-based and other community-based organizations, to participate in the vast array of programs for which funding is available through this SuperNOFA. HUD believes that grassroots organizations, e.g., civic organizations, congregations, and faith-based and other community-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness, counseling individuals and families on fair housing rights, providing elderly housing opportunities, developing first time homeownership programs, increasing homeownership and rental housing opportunities in neighborhoods of their choice, developing affordable and accessible housing in neighborhoods across the country, creating economic development programs, and supporting the residents of public housing facilities. The goal of this policy priority is to make HUD's programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhoods. Additionally, HUD encourages applicants to include these faith-based and other community-based grassroots organizations in their workplans. Applicants, their partners, and participants must review the Program Section of this SuperNOFA to determine eligibility. Faith-based and other community-based grassroots organizations, and applicants who currently or propose to partner, fund, or subcontract with grassroots organizations, including faith-based or other community-based non-profits eligible under applicable program regulations, in conducting their work programs will receive higher rating points as specified in the program section of this SuperNOFA.

(2) Definition of Grassroots Organizations.

(a) HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community to which it provides services; and,

(i) Has a social services budget of $300,000 or less, or

(ii) Has six or fewer full-time equivalent employees.

(b) Local affiliates of national organizations are not considered ''grassroots.'' Local affiliates of national organizations are encouraged, however, to partner with grassroots organizations but must demonstrate that they are currently working with a grassroots organization, e.g., having a congregation or civic organization, or other charitable organization provide volunteers.

(c) The cap provided in paragraph (2)(a)(i) above includes only that portion of an organization's budget allocated to providing social services. It does not include other portions of the budget such as salaries and expenses. Activities under this priority directly support Strategic Goal 4.

(F) *Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.* HUD encourages applicants to include program measures to ensure that promises made in your application for funding for persons to be assisted, units to be constructed or rehabilitated, timelines and budgets to be followed, and results to be achieved can be accounted for and independently assessed to ensure performance goals have been met. Applicants who have included means of assessing progress and tracking performance goals and achievements against promises made in the application will receive higher rating points. Actions taken to support this priority directly support Strategic Goal 6.

(G) *Colonias.* HUD seeks to improve housing conditions for families living in Colonias. Colonia means any identifiable community that:

(i) is located in Arizona, California, New Mexico, or Texas:

(ii) is within 150 miles of the border between the United States and Mexico: and

(iii) meets objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

Activities performed under this priority primarily support Strategic Goal 8, but can also support Strategic Goals 3, 4, and 7.

VII. Findings and Certifications

(A) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Regulations Division, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

(B) *Executive Order 13132, Federalism.* Executive Order 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the relevant requirements of Section 6 of the Executive Order are met. This SuperNOFA does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(C) *Executive Order 12372, Intergovernmental Review of Federal Programs.* Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform a State review function. The official listing of State Points of Contact (SPOC) for this review process can be found at www.whitehouse.gov/omb/grants/spoc.html. States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your State has a SPOC, you should contact them to see if they are interested in reviewing your application prior to submission to HUD. Please make sure that you allow ample time for this review process when developing and submitting your applications. If your State does not have a SPOC, you may send applications directly to HUD.

(D) *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of Section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific contract, grant, or loan. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not and have not used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL ''Disclosure of Lobbying Activities,'' any funds, other than federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law must comply with this requirement.

(E) *Section 102 of the HUD Reform Act, Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 15).

(2) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice and for at least 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting one on their application. All debriefing requests must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance'' in the Program Section of the SuperNOFA under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

(3) *Disclosures.* HUD will make available to the public for five years all applicant disclosure reports (HUD Form

2880) submitted in connection with this SuperNOFA. Update reports (also reported on HUD Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 5).

(4) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to Section 102(a) of the HUD Reform Act; and/or

(ii) Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(F) *Section 103 of the HUD Reform Act.* HUD's regulations implementing Section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at 202–708–3815. (This is not a toll-free number.) HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

VIII. The FY 2002 SuperNOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its SuperNOFA. The FY 2002 SuperNOFA was revised based upon comments received during the FY 2001 funding process. HUD continues to welcome comments and feedback from applicants and other members of the public on how HUD may further improve its competitive funding process.

The description of programs for which funding is available under this SuperNOFA follows this General Section and its appendices.

Dated: March 14, 2002.

Mel Martinez,

Secretary.

BILLING CODE 4210–32–P

APPENDIX A-1. LIST OF HUD FIELD OFFICES

Region	Office	Address and phone numbers
NEW ENGLAND	Boston, MA	HUD - Boston Office - O'Neil Federal Building 10 Causeway Street, Room.375 Boston, MA OFC PHONE (617) 994-8203 FAX (617) 565-6558
	Hartford, CT	HUD - Hartford Office One Corporate Center Hartford, CT OFC PHONE (860) 240-4844 FAX (860) 240-4850
	Bangor, ME	HUD - Bangor Office 202 Harlow Street - Chase Bldg. Suite 101 Bangor, ME OFC PHONE (207) 945-0468 FAX (207) 945-0533
	Bangor, ME	HUD - Bangor Office 202 Harlow Street - Chase Bldg. Suite 101 Bangor, ME OFC PHONE (207) 945-0468 FAX (207) 945-0533
	Manchester, NH	HUD - Manchester Office Norris Cotton Federal Bldg. 275 Chestnut Street Manchester, NH OFC PHONE (603) 666-7682 FAX (603) 666-7667
	Providence, RI	HUD - Providence Office 10 Weybosset Street Sixth Floor Providence, RI OFC PHONE (401) 528-5352 FAX (401) 528-5097
	Burlington, VT	HUD - Burlington Office Room 237 - Federal Building 11 Elmwood Avenue Burlington, VT OFC PHONE (802) 951-6290 FAX (802) 951-6298
NEW YORK/NEW JERSEY	New York, NY	HUD - New York Office 26 Federal Plaza - Suite 3541 New York, NY OFC PHONE (212) 264-1161 FAX (212) 264-3068
	Albany, NY	HUD - Albany Office 52 Corporate Circle Albany, NY OFC PHONE (518) 464-4200 Ext. 4204 FAX (518) 464-4300
	Buffalo, NY	HUD - Buffalo Office Lafayette Court, 5th Floor 465 Main Street Buffalo, NY OFC PHONE (716) 551-5733 Ext. 5000 FAX (716) 551-5752
	Syracuse, NY	HUD - Syracuse Storefront Office 128 Jefferson Street Syracuse, NY OFC PHONE (315) 477-0616 FAX (315) 477-0196
	Newark, NJ	HUD - Newark Office - 13th Floor One Newark Center Newark, NJ OFC PHONE (973) 622-7619 FAX (973) 645-2323
	Camden, NJ	HUD - Camden Office 2nd Floor - Hudson Bldg. 800 Hudson Square Camden, NJ OFC PHONE (856) 757-5081 FAX (856) 757-5373
MID-ATLANTIC	Philadelphia, PA	HUD Philadelphia Office The Wanamaker Building 100 Penn Square, East Philadelphia, PA OFC PHONE (215) 656-0600 FAX (215) 656-3445
	Pittsburgh, PA	HUD Pittsburgh Office 339 Sixth Avenue - Sixth Floor Pittsburgh, PA OFC PHONE (412) 644-5945 FAX (412) 644-4240
	Wilmington, DE	HUD - Wilmington Office 824 Market Street, Suite 850 Wilmington, DE OFC PHONE (302) 573-6300 FAX (302) 573-6259
	Baltimore, MD	HUD Baltimore Office 10 South Howard Street, 5th Floor Baltimore, MD OFC PHONE (410) 962-2520 Ext. 3474 FAX (410) 962-1849
	Richmond, VA	HUD Richmond Office 3600 West Broad Street Richmond, VA OFC PHONE (804) 278-4507 Ext. 3208 FAX (804) 278-4603
	Washington, DC	HUD Washington, DC Office 820 First Street NE, Suite 300 Washington, DC OFC PHONE (202) 275-9206 Ext. 3075 FAX (202) 275-9212

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Region	Office	Address and phone numbers
	Washington, DC	801 N. Capitol St NE Washington, DC (202) 275-9200 Ext. 3141
	Charleston, WV	HUD - Charleston Office 405 Capitol Street, Suite 708 Charleston, WV OFC PHONE (304) 347-7036 Ext. 101 FAX (304) 347-7050
SOUTHEAST/CARIBBEAN	Atlanta, GA	Secretary's Representative 40 Marietta Street - Five Points Plaza Atlanta, GA OFC PHONE (404) 331-4111 FAX (404) 730-2392
	Birmingham, AL	HUD - Birmingham Office Medical Forum Bldg 950 22nd Street North, Suite 900 Birmingham, AL OFC PHONE (205) 731-2617 FAX (205) 290-7593
	San Juan, PR	HUD Caribbean Office 171 Carlos E. Chardon Avenue San Juan, PR OFC PHONE (787) 766-5201 FAX (787) 766-5995
	Louisville, KY	HUD - Louisville Office 601 West Broadway, PO Box 1044 Louisville, KY OFC PHONE (502) 582-5251 FAX (502) 582-6074
	Miami, FL	HUD Florida State Office 909 SE First Avenue Miami, FL OFC PHONE (305) 536-5678 FAX (305) 536-5765
	Jacksonville, FL	HUD - Jacksonville Office 301 West Bay Street, Suite 2200 Jacksonville, FL OFC PHONE (904) 232-2627 FAX (904) 232-3759
	Orlando, FL	HUD - Orlando Office 3751 Maguire Boulevard, Room 270 Orlando, FL OFC PHONE (407) 648-6441 FAX (407) 648-6310
	Tampa, FL	HUD Tampa Office 500 Zack Street, Suite 402 Tampa, FL OFC PHONE (813) 228-2504 FAX (813) 228-2431
	Jackson, MS	HUD Jackson Office McCoy Federal Building 100 W. Capitol Street, Room 910 Jackson, MS OFC PHONE (601) 965-4700 Ext. 2105 FAX (601) 965-4773
	Greensboro, NC	HUD Greensboro Office Koger Building 2306 West Meadowview Road Greensboro, NC OFC PHONE (336) 547-4001, 4002,4003 FAX (336) 547-4138
	Columbia, SC	HUD Columbia Office 1835 Assembly Street Columbia, SC OFC PHONE (803) 765-5592 FAX (803) 253-3040
	Nashville, TN	HUD - Nashville Office 235 Cumberland Bend, Suite 200 Nashville, TN OFC PHONE (615) 736-5213 ext. 7120 FAX (615) 736-2018
	Knoxville, TN	HUD - Knoxville Office 710 Locust Street, SW Knoxville, TN OFC PHONE (423) 545-4384 FAX (423) 545-4569
	Memphis, TN	HUD - Memphis Office 200 Jefferson Avenue, Suite 1200 Memphis, TN OFC PHONE (901) 544-3367 FAX (901) 544-3697
MIDWEST	Chicago, IL	Ralph Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL OFC PHONE (312) 353-5680 FAX (312) 886-2729
	Indianapolis, IN	HUD Indianapolis Office 151 North Delaware Street, Suite 1200 Indianapolis, IN OFC PHONE (317) 226-6303, ext. 7034 FAX (317) 226-6317
	Detroit, MI	HUD Detroit Office 477 Michigan Avenue Detroit, MI OFC PHONE (313) 226-7900 FAX (313) 226-5611
	Flint, MI	HUD Flint Office Municipal Center, North Building 1101 S. Saginaw Street Flint, MI OFC PHONE (810) 766-5112 FAX (810) 766-5122
	Grand Rapids, MI	HUD Grand Rapids Office Trade Center Building 50 Louis

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Region	Office	Address and phone numbers
		Street, N.W. Grand Rapids, MI OFC PHONE (616) 456-2100 FAX (616) 456-2114
	Minneapolis, MN	HUD Minneapolis Office 220 Second Street, South Minneapolis, MN OFC PHONE (612) 370-3288 FAX (612) 370-3220
	Columbus, OH	HUD Columbus Office 200 North High Street Columbus, OH OFC PHONE (614) 469-2540, Ext. 8116 FAX (614) 469-2432
	Cincinnati, OH	HUD Cincinnati Office 15 East 7th Street Cincinnati, OH OFC PHONE (513) 684-2967 FAX (513) 684-6224
	Cleveland, OH	HUD Cleveland Office 1350 Euclid Avenue, Suite 500 Cleveland, OH OFC PHONE (216) 522-4058 Ext. 7102 FAX (216) 522-4067
	Milwaukee, WI	HUD Milwaukee Office 310 West Wisconsin Avenue, Room 1380 Milwaukee, WI OFC PHONE (414) 297-3214 ext. 8000 FAX (414) 297-3947
SOUTHWEST	Ft. Worth, TX	HUD Ft. Worth Office 801 Cherry St, PO Box 2905 Ft. Worth, TX OFC PHONE (817) 978-5965 FAX (817) 978-5567
	Dallas, TX	HUD Dallas Office 525 Griffin Street, Room 860 Dallas, TX OFC PHONE (214) 767-8300 FAX (214) 767-8973
	Houston, TX	HUD Houston Office 2211 Norfolk #200 Houston, TX OFC PHONE (713) 313-2274 ext. 7015 FAX (713) 313-2319
	Lubbock, TX	HUD Lubbock Office 1205 Texas Avenue, Room. 511F Lubbock, TX OFC PHONE (806) 472-7265 Ext. 3030 FAX (806) 472-7275
	San Antonio, TX	HUD San Antonio Office 800 Dolorosa San Antonio, TX OFC PHONE (210) 475-6806 FAX (210) 472-6804
	Little Rock, AR	HUD Little Rock Office 425 West Capitol Avenue #900 Little Rock, AR OFC PHONE (501) 324-5401 FAX (501) 324-6142
	New Orleans, LA	HUD New Orleans Office Hale Boggs Bldg. 501 Magazine Street, 9th Floor New Orleans, LA OFC PHONE (504) 589-7201 FAX (504) 589-6619
	Shreveport, LA	HUD Shreveport Office 401 Edwards Street, Room. 1510 Shreveport, LA OFC PHONE (318) 676-3440 FAX (318) 676-3407
	Albuquerque, NM	HUD Albuquerque Office 625 Silver Avenue SW, Suite 100 Albuquerque, NM OFC PHONE (505) 346-6463 Ext. 7332 FAX (505) 346-6704
	Oklahoma City, OK	HUD Oklahoma City Office 500 W. Main Street, Suite 400 Oklahoma City, OK OFC PHONE (405) 553-7500 FAX (405) 553-7588
	Tulsa, OK	HUD Tulsa Office 1516 S Boston Ave, Suite 100 Tulsa, OK OFC PHONE (918) 581-7168 FAX (918) 581-7440
GREAT PLAINS	Kansas City, KS	HUD Kansas City Office 400 State Avenue, Room 200 Kansas City, KS OFC PHONE (913) 551-5462 Ext. 5 FAX (913) 551-5469
	Des Moines, IA	HUD Des Moines Office 210 Walnut Street, Room 239 Des Moines, IA OFC PHONE (515) 284-4573 FAX (515) 284-4743
	Omaha, NE	HUD Omaha Office 10909 Mill Valley Road, Suite 100 Omaha, NE OFC PHONE (402) 492-3103 FAX (402) 492-3150
	St. Louis, MO	HUD St. Louis Office 1222 Spruce Street #3207 St. Louis,

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Region	Office	Address and phone numbers
		MO OFC PHONE (314) 539-6560 FAX (314) 539-6384
ROCKY MOUNTAINS	Denver, CO	Secretary's Representative HUD Denver Office 633 17th Street, 14th Floor Denver, CO OFC PHONE (303) 672-5440 FAX (303) 672-5004
	Helena, MT	HUD Helena Office 7 W 6th Avenue Helena, MT OFC PHONE (406) 449-5048 FAX (406) 441-1292
	Fargo, ND	HUD - Fargo Office 657 2nd Avenue North, Room 366 Fargo, ND OFC PHONE (701) 239-5040 FAX (701) 239-5249
	Sioux Falls, SD	HUD - Sioux Falls Office 2400 West 49th Street, Room. I-201 Sioux Falls, SD OFC PHONE (605) 330-4223 FAX (605) 330-4428
	Salt Lake City, UT	HUD Salt Lake City Office 257 East, 200 South, Room. 550 Salt Lake City, UT OFC PHONE (801) 524-6071 FAX (801) 524-3439
	Casper, WY	HUD - Wyoming Office 100 East B Street, Room 4229 Casper, WY OFC PHONE (307) 261-6251 FAX (307) 261-6245
PACIFIC/HAWAII	San Francisco, CA	HUD - San Francisco Office 450 Golden Gate Avenue San Francisco, CA OFC PHONE (415) 436-6532 FAX (415) 436-6446
	Fresno, CA	HUD - Fresno Office 2135 Fresno Street, Suite 100 Fresno, CA OFC PHONE (559) 487-5032 Ext. 232 FAX (559) 487-5191
	Los Angeles, CA	HUD Los Angeles Office 611 W. Sixth Street, Suite 800 Los Angeles, CA OFC PHONE (213) 894-8007 FAX (213) 894-8110
	Sacramento, CA	HUD Sacramento Office 925 L Street Sacramento, CA OFC PHONE (916) 498-5220 Ext. 322 FAX (916) 498-5262
	San Diego, CA	HUD San Diego Office Symphony Towers 750 B Street, Suite 1600 San Diego, CA OFC PHONE (619) 557-5310 FAX (619) 557-5312
	Santa Ana, CA	HUD Santa Ana Office 1600 N. Broadway, Suite 100 Santa Ana, CA OFC PHONE (714) 796-5577 Ext. 3006 FAX (714) 796-1285
	Phoenix, AZ	HUD Phoenix Office 400 North Fifth Street, Suite 1600 Phoenix, AZ OFC PHONE (602) 379-4434 FAX (602) 379-3985
	Tucson, AZ	HUD Tucson Office 160 N Stone Ave Tucson, AZ OFC PHONE (520) 670-6000 FAX (520) 670-6207
	Honolulu, HI	HUD Honolulu Office 500 Ala Moana Blvd. #3A Honolulu, HI OFC PHONE (808) 522-8175 Ext. 256 or 259 FAX (808) 522-8194
	Las Vegas, NV	HUD Las Vegas Office 333 N. Rancho Drive - Atrium Bldg. Suite 700 Las Vegas, NV OFC PHONE (702) 388-6208/6500 FAX (702) 388-6244
	Reno, NV	HUD Reno Office 3702 S. Virginia Street Reno, NV OFC PHONE (775) 784-5356 FAX (775) 784-5066
NORTHWEST/ALASKA	Seattle, WA	Secretary's Representative HUD Seattle Office 909 First Avenue, Suite 200 Seattle, WA OFC PHONE (206) 220-5101 FAX (206) 220-5108
	Spokane, WA	HUD Spokane Office US Courthouse Bldg. 920 W. Riverside, Suite 588 Spokane, WA OFC PHONE (509) 353-0674 FAX (509) 353-0682
	Anchorage, AK	HUD Anchorage Office 949 East 36th Avenue, Suite 401

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Region	Office	Address and phone numbers
		Anchorage, AK OFC PHONE (907) 271-4170 FAX (907) 271-3778
	Boise, ID	HUD Boise Office Plaza IV, Suite 220 800 Park Boulevard Boise, ID OFC PHONE (208) 334-1990 ext. 3007 FAX (208) 334-9648
	Portland, OR	HUD Portland Office 400 SW 6th Avenue #700 Portland, OR OFC PHONE (503) 326-2561 FAX (503) 326-2568

Appendix A-2 – List of EZs, ECs, Urban Enhanced Enterprise Communities, Strategic Planning Communities, and Renewal Comunities

Anchorage, AK

Susan Fison, Municipality of Anchorage, Department of Community Planning and Development
632 W. Sixth Ave.
Anchorage, AK 99501
(Ph.) 907-343-4303 (Fax) 907-343-4220
FisonSR@ci.anchorage.ak.us

Metlakatla Indian Community, AK

Victor Wellington, Sr., Metlakatla Indian Enterprise Community,
P.O. Box 8
Metlakatla, AK 99926-0008
(Ph.) 907-886-4441 (Fax) 907- 886-3338
paultb@ptialaska. net

Birmingham, AL

Keith Strother, City of Birmingham,
710 N. 20th St. City Hall, Third Floor
Birmingham, AL 35203
(Ph.) 205-254-2870 (Fax) 205-254-7741
kastrot@ci.birmingham.al.us

Chambers County, AL

David Umling, Chambers County Enterprise Community,
1130 Quintard Ave. Suite 300
Anniston, AL 36202
(Ph.) 256-237-6741 (Fax) 256-237-6763
earpdc@adss.state.al.us

Greene/Sumter Counties, AL

Herlecia Hampton, Greene and Sumter Enterprise Community,
104 Hospital Dr.
Livingston, AL 35470
(Ph.) 205-652-7408 (Fax) 205-652-7410
greensum@bellsouth.net

Greene-Sumter, AL

Herlecia Hampton, Greene/Sumter Enterprise Community, Office of Planning & Development
104 Hospital Dr. P. O. Box 1786
Livingston, AL 35470
(Ph.) 205-652-7408 (Fax) 205-652-7410

Mobile, AL

George Nettles, South Alabama Regional Planning Commission,
651 Church St.
Mobile, AL 36633
(Ph.) 251-433-6541 (Fax) 251-433-6009
gnettles@sarpc.org

Southern Alabama, AL

David S. Barley, II, State of Alabama,
401 Adams Ave. P.O. Box 5690
Montgomery, AL 36103
(Ph.) 334-242-5823 (Fax) 334-242-4203
davidb@adeca.state.al.us

Eastern Arkansas, AR

Robert Cole, Eastern Arkansas Enterprise Community,
1000 Airport Rd.
Forrest City, AR 72335
(Ph.) 870-630-2005 (Fax) 870-630-2035
eastarkec@arkansas.net

Mississippi County, AR

Sam Scruggs, Mississippi County Enterprise Community,
2513 Atlanta St.
Blytheville, AR 72316
(Ph.) 870-532-2348 (Fax) 870-532-2625
areco@www.ezec.gov

Pulaski County, AR

Paige Grafton, County of Pulaski, Department of Community Services
201 S. Broadway St. Suite 220
Little Rock, AR 72201
(Ph.) 501-340-6157 (Fax) 501-340-8951

Tacoma, WA

Ray Corpuz, City of Tacoma,
747 Market St. Room 1200
Tacoma, WA 98402
(Ph.) 253-591-5208 (Fax) 253-591-5232
Rcorpuz@ci.tacoma.wa.us
(Ph.) (Fax)

Pulaski County/Little Rock, AR

Henry L. McHenry, County of Pulaski, Enterprise Community Alliance, Inc.
3805 W. 12th St. Suite 205
Little Rock, AR 72204
(Ph.) 501-379-1543 (Fax) 501-379-1571
hlmchenry@aol.com

Arizona Border Region, AZ

Joel Viers, Arizona Border Region Enterprise Community,
118 Arizona St.
Bisbee, AZ 85603
(Ph.) 520-432-5301 (Fax) 520-432-5858

Four Corners, AZ

Larry Rodgers, Four Corners Enterprise Communities,
151 E. 500 N.
Blanding, AZ 84511
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Appendix B

This appendix to the General Section of the SuperNOFA contains the standard forms, certifications and assurances used by the majority if not all of the programs that are part of the SuperNOFA.

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. **Type of Submission** **Application** ☐ Construction ☐ Non-Construction **Pre-application** ☐ Construction ☐ Non-Construction	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. Employer Identification Number (EIN) (xx-yyyyyyy)

7. Type of Applicant (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

8. Type of Application:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. Name of Federal Agency

10. Catalog of Federal Domestic Assistance Number (xx-yyy)

Title:

11. Descriptive Title of Applicant's Project

12. Areas Affected by Project (cities, counties, States, etc.)

13. Proposed Project		**14. Congressional Districts of**	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. Estimated Funding

Complete form HUD-424-M, Funding Matrix

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. **Yes** This pre-application/application was made available to the State Executive Order 12372 Process for review on:

Date (mm/dd/yyyy)_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

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form **SF-424** (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043, Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M, Funding Matrix.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval (pending)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

Budget Information — Non-Construction Programs

OMB Approval No. 0348-0044

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) **Totals**
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

(a) Grant Program	**Future Funding Periods (Years)**			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

OMB Approval No. 0348-0041

Budget Information—Construction Programs

Note: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	$ .00	$ .00	$ .00
2. Land, structures, rights-of-way, appraisals, etc.	$ .00	$ .00	$ .00
3. Relocation expenses and payments	$ .00	$ .00	$ .00
4. Architectural and engineering fees	$ .00	$ .00	$ .00
5. Other architectural and engineering fees	$ .00	$ .00	$ .00
6. Project inspection fees	$ .00	$ .00	$ .00
7. Site work	$ .00	$ .00	$ .00
8. Demolition and removal	$ .00	$ .00	$ .00
9. Construction	$ .00	$ .00	$ .00
10. Equipment	$ .00	$ .00	$ .00
11. Miscellaneous	$ .00	$ .00	$ .00
12. **Subtotal**	$ .00	$ .00	$ .00
13. Contingencies (sum of lines 1-11)	$ .00	$ .00	$ .00
14. **Subtotal**	$ .00	$ .00	$ .00
15. Project (program) income	$ .00	$ .00	$ .00
16. **Total Project Costs** (subtract #15 from #14)	$ .00	$ .00	$ .00
Federal Funding			
17. Federal assistance requested, calculate as follows: Enter eligible costs from line 16c _____ Multiply x _____ % (Consult Federal agency for Federal percentage share). Enter the resulting Federal share.			$ .00

Previous Edition Usable

Page 1 of 2

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SF-424C (Rev. 4/92)
Prescribed by OMB Circular A-102

Instructions for HUD-424C

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, D.C. 20503. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded[assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a.—If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "**Cost Classifications.**"

If this application entails a change to an existing award, enter the eligible amounts **approved under the previous award** for the items under "**Cost Classification.**"

Column b.—If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is **not** allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (–)] to the previously approved costs (from column a.) reflected in this application.

Column c.—This is the net of lines 1 through 16 in columns "a." and "b.".

Line 1—Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2—Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3—Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4—Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5—Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6—Enter estimated engineering inspection costs.

Line 7—Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9—Enter estimated cost of the construction contract.

Line 10—Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11—Enter estimated miscellaneous costs.

Line 12—Total of items 1 through 11.

Line 13—Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14—Enter the total of lines 12 and 13.

Line 15—Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16—Subtract line 15 from line 14.

Item 17—This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

Assurances — Construction Programs

OMB Approval No. 0348-0042

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature X	Date

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handboooks 7417.1, 7475.13, 7485.1, & 7485.3

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urbar Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance): General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date

Signature of Authorized Certifying Official	Title

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Funding Application

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Govenment. The information requested does not lend itself to congidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	☐	☐		
for Section 8 Vouchers?	☐	☐		

A. Area(s) From Which Families To Be Assisted Will Be Drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units. (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	Total Dwelling Units
Certificates								
Vouchers								

C. Average Monthly Adjusted Income. Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	$	$	$	$	$	$	$
Vouchers	$	$	$	$	$	$	$

D. Need for Housing Assistance. Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

E. Housing Quality Standards (HQS). (Check applicable box)

☐ HUD's HQS will be used with no modifications ☐ Attached for HUD approval are HQS acceptability criteria variations

F. New HA Information. Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

Financial and Administrative Capability. Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

Qualification as an HA. Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

Note: If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

G. Certifications. The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

Equal Opportunity Certification

The Housing Agency (HA) certifies that:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).

(4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

(7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.

(8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Housing Agency Signature

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

Client Comments and Suggestions

U.S. Department of Housing and Urban Development

You are our Client! Your comments and suggestions, please!

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development
Office of Grants Management and Compliance
Room 2182
451 7th Street, SW
Washington, DC 20410

Please Provide Comments on HUD's Efforts:

The NOFA (insert title) _____

is: (please check one)

(a) ☐ is clear and easily understandable

(b) ☐ better than before, but still needs improvement (please specify)

(c) other (please specify)

The application form (insert title) _____

is: (please check one)

(a) ☐ is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.

(b) ☐ is simpler and more user-friendly than before, but still needs work (please specify).

(c) other comments (please specify)

Name & Organization (Optional):

Are additional pages attached? ☐ Yes ☐ No

form **HUD-2994** (2/2001)

Grant Applicant's Status as a Religious Organization

U.S. Department of Housing and Urban Development
Office of Administration

OMB Approval No. Pending
(exp. 99/99/9999)

Public reporting burden for this collection is estimatied to averge 0.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the information collection instrument. HUD may not collect this information, and you are not required to complete this form, unless a it displays a currently valid OMB.

The Department of Housing and Urban Development (HUD) requests that you voluntarily provide the following information in order to satisfy the reporting requirements of the President's "Faith-Based Initiative," in accordance with Executive Order is 13198, signed January 29, 2001, and to respond to public inquiries about program benefits.

Collection of this information is not mandatory and your response will not affect in any way the scoring of your submission.

Is the applicant a religious organization — meaning an organization with a religious motivation, character, or purpose — or is it affiliated with or sponsored by a religious organization? (Check one below)

☐ YES
☐ NO

As part of this project, does applicant propose to either partner with, fund or subcontract with another organization which is either a religious organization or which is affiliated with or sponsored by a religious organization?

☐ YES
☐ NO

Name of Applicant Organization:

Title of Program for which Application was submitted:

Date: _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (TA)

HOME TA

McKinney-Vento Homeless Assistance Programs TA

HOPWA TA

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD–TA) PROGRAMS—HOME, MCKINNEY-VENTO ACT HOMELESS ASSISTANCE AND HOPWA

Program Overview

Purpose of the Program. The purposes of the technical assistance programs in this SuperNOFA are:

HOME Technical Assistance. To help HOME participating jurisdictions design and implement HOME programs, including: Improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing; facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs consistent with the purposes of the HOME statute; and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. To provide applicants, potential applicants, grantees, and project sponsors for McKinney-Vento Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

Housing Opportunities for Persons with AIDS (HOPWA). To train HOPWA grantees, project sponsors, and potential recipients of program funds in comprehensive housing strategies and responsive area programs that assist residents who are living with HIV/AIDS; in the sound management of HOPWA programs to support program operations in an efficient and effective manner, including undertaking community consultations, program planning, housing development and operations, program evaluation and reporting on accomplishments; and to build the capacity of nonprofit organizations to carry out activities as HOPWA project sponsors.

Available Funds. Approximately $10 million in FY 2002 funds is available for the three CD–TA programs.

Eligible Applicants. Specific eligibility requirements for the CD–TA programs are found below in Section III(C). Up to twenty five percent of the HOME and McKinney-Vento Act Homeless Assistance technical assistance funds is limited to qualified providers who have not previously received a CPD technical assistance award. This limitation is not applicable to HOPWA technical assistance.

Application Deadline. June 7, 2002.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (an original and one copy) on or before June 7, 2002 at the address shown below.

The original application that you submit to Headquarters is considered the official application. Send a copy of your application on or before the application deadline date to the HUD CPD Field Office(s) in which you are seeking to provide services. Only one application per applicant is permitted; however, one application can include as few as one or as many as all three CD–TA programs.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the designated HUD office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, FedEx, DHL and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30 AM and 5:30 Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Addresses for Submitting Applications. HUD Headquarters. Your completed application consists of one original application and one copy. Submit your original application to HUD Headquarters, U.S. Department of Housing and Urban Development, CPD Processing and Control Branch, Room 7251, 451 Seventh Street, SW., Washington, DC 20410.

Copy to Field Office. Send a copy of the application to the appropriate CPD Field Office(s) at the address shown on the list of HUD CPD Field Offices included as Appendix B.

When submitting your application, please refer to the Community Development Technical Assistance Program. Be sure to include your name, mailing address (including zip code), telephone number (including area code), and fax number (including area code).

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to ''Community Development Technical Assistance Programs or CD–TA.'' Please be sure to provide your name, address (including zip code), telephone number (including area code), and fax number (including area code).

For Further Information and Technical Assistance. You may contact the HUD CPD Office serving your area at the telephone number listed in the list of HUD CPD Field Offices included in the application kit, or you may contact Karen E. Daly at 202–708–3176, x5552 in HUD Headquarters. Persons with hearing and speech challenges may access the above number via TTY (text

telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number). Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at www.hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) The amounts allocated for each CD–TA program are as follows:

HOME TA FY 2002 funds: up to$5,000,000

McKinney-Vento Act Homeless Assistance Programs FY 2002 TA funds: up to $3,000,000

HOPWA FY 2002 TA funds: up to $2,000,000

(B) Each HUD/CPD Field Office has been allocated a ''fair-share'' of CD–TA funds for purposes of this competition, except for the HOPWA TA funds which will be awarded only through a national competition (see CD–TA Appendix A for the fair share allocations). The amounts are based on allocations of HOME and McKinney-Vento Act Homeless Assistance formula funds and competitive programs for which Field Offices have management oversight. These amounts are only for guidance purposes for you to develop your program budgets by Field Office jurisdiction and are not the exact amounts to be awarded to you in each area.

HUD will determine the total amount to be awarded to any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, and the scope of the technical assistance to be provided. Additionally, HUD may reduce the amount of funds allocated for Field Office jurisdictions to fund national CD–TA providers and other CD–TA providers for activities which cannot be budgeted or estimated by Field Office jurisdiction. HUD may require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than applied for in order to supplement or strengthen the intermediary network in terms of the location (service area), types and scope of technical assistance proposed.

(C) In order to reach new technical assistance providers in the HOME and McKinney-Vento Act Homeless Assistance program areas up to 25% of the funds in each of these two program areas within a Field Office (or at the national level) will be awarded to applicants who have not previously been funded under a CPD technical assistance competition. Therefore, up to $1.25 million will be awarded to new providers in HOME and $750,000 in McKinney-Vento Act Homeless Assistance. If qualified new applicants are not found in each program area in each Field Office and/or at the national level, the remaining funds will be made available for previously funded providers. The reverse also is true.

(D) To the extent permitted by funding constraints, HUD intends to provide coverage for as full a range as possible, of eligible CD–TA activities of each CD–TA program in each Field Office jurisdiction. To achieve this objective, HUD will fund the highest ranking providers that bring the required expertise in one or more specialized activity areas, and fund portions of providers' proposed programs in which they have the greatest skill and capability for given geographic areas or on a national basis. HUD also may require national, multi-jurisdictional, or other providers to provide coverage to Field Office jurisdictions which cannot otherwise receive cost-effective support from a CD–TA provider. In selecting applicants for funding, in addition to the rating factors, HUD will apply program policy criteria identified in Section V of this CD–TA Program section of SuperNOFA to select a range of providers and activities that would best serve program objectives for each program serviced by the CD–TA funded under this SuperNOFA.

III. Program Description; Program Award Period; Eligible Applicants; Eligible Activities; and Sub-Grants

(A) *Program Description.* Up to $10 million in technical assistance (TA) funds is available from three separate technical assistance programs: HOME TA, McKinney-Vento Act Homeless Assistance TA, and HOPWA TA (collectively ''CD–TA'').

The funding of these three CD–TA programs through a single funding availability announcement will not affect the ability of eligible applicants to seek CD–TA funding. Eligible applicants are able to apply for funding under as few as one, and as many as three, separate CD–TA programs, individually or collectively, singularly or in combination. The specific provisions of the three separate CD–TA programs have not been changed. This Community Development Technical Assistance Programs section of the SuperNOFA reflects the statutory requirements and differences in the three different CD–TA programs.

(B) Program Award Period

(1) Cooperative Agreements will be for a period of up to 36 months. HUD, however, reserves the right to:

(a) Terminate awards in accordance with provisions contained in OMB Circular A–102, and 24 CFR parts 84 and 85 anytime after 12 months;

(b) Withdraw funds from a specific provider, if HUD determines that the urgency of need for the assistance is greater in other Field Office jurisdictions or the need for assistance is not commensurate with the award for assistance;

(c) Extend the performance period of individual awardees up to a total of 12 additional months.

(2) In cases where an applicant selected for funding under this CD–TA program section of the SuperNOFA currently is providing CD technical assistance under an existing CD–TA grant/cooperative agreement, HUD reserves the right to adjust the start date of funding under this program to coincide with the conclusion of the previous award, or to incorporate the remaining activities from the previous award into the new agreement, adjusting the funding levels as necessary.

(C) Eligible Applicants

(1) *General.* The eligible applicants for each of the three CD–TA programs are listed in paragraphs (2), (3), and (4) of this Section (C). This paragraph (1) lists requirements applicable to all applicants.

(a) Many organizations are eligible to apply for more than one CD–TA program and are encouraged to do so to the extent they have the requisite experience, expertise and capability.

(b) All applicant organizations must have demonstrated ability to provide CD–TA in a geographic area larger than a single city or county and must propose to serve an area larger than a single city or county.

(c) An organization may not provide assistance to itself.

(d) A consortium of organizations may apply for one or more CD–TA programs, but HUD will require that one organization be designated as the legal applicant, where legally feasible. Where one organization cannot be so designated for all proposed activities, HUD may execute more than one cooperative agreement with the members of a consortium. However, in general HUD will not award more than

one cooperative agreement per application unless necessary due to legal requirements.

(e) All applicants must meet minimum statutory eligibility requirements for each CD–TA program for which they are chosen in order to be awarded a cooperative agreement. Copies of the Technical Assistance program regulations will be provided with the application kit.

(f) All eligible CD–TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should make use of technical assistance providers located in the Field Office jurisdiction receiving services. This draws upon local expertise and persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed technical assistance services.

(g) All applicants must meet the applicable threshold requirements of Section II(B) of the General Section of the NOFA.

(2) *McKinney-Vento Act Homeless Assistance Programs TA Eligible Applicants.*

(a) States, units of general local government, and public housing authorities.

(b) Public and private non-profit or for-profit groups, including educational institutions and area-wide planning organizations, qualified to provide technical assistance on McKinney-Vento Act Homeless Assistance projects.

(3) *HOME TA Eligible Applicants.* (a) A for-profit or non-profit professional and technical services company or firm that has demonstrated capacity to provide technical assistance services;

(b) A HOME participating jurisdiction (PJ) or agency thereof;

(c) A public purpose organization responsible to the chief elected official of a PJ and established pursuant to State or local legislation;

(d) An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program;

(e) A national or regional non-profit organization that has membership comprised predominantly of entities or officials of entities of PJs or PJs' agencies or established organizations.

(4) *HOPWA TA Eligible Applicants.*

(a) Non-profit organizations; and

(b) States and units of general local government.

(D) *Eligible Activities.* Eligible activities as appropriate for each of the three CD–TA programs are listed below:

(1) *HOME Technical Assistance.* HUD will provide assistance to:

(a) Facilitate the exchange of information that would help participating jurisdictions carry out the purposes of the HOME statute, including information on program design and accessibility, housing finance, land use controls, and building construction techniques;

(b) Improve the ability of States and units of local government to design and implement housing strategies, particularly those States and units of local government that are relatively inexperienced in the development of affordable housing;

(c) Encourage private lenders and for-profit developers of low-income housing to participate in public-private partnerships to achieve the purposes of the HOME statute;

(d) Improve the ability of States and units of local government, community housing development organizations, private lenders, and for-profit developers of low-income housing to incorporate energy efficiency into the planning, design, financing, construction and operation of affordable housing;

(e) Facilitate the establishment and efficient operation of employer-assisted housing programs, through research, technical assistance, and demonstration projects; and

(f) Facilitate the establishment and efficient operation of land bank programs, under which title to vacant and abandoned parcels of real estate located in or causing blighted neighborhoods is cleared for use consistent with the purposes of the HOME statute.

(2) *McKinney-Vento Act Homeless Assistance Programs Technical Assistance.* Funds are available to provide technical assistance to McKinney-Vento Act funded Homeless Assistance projects. Funds may be used to provide technical assistance to prospective applicants, applicants, recipients or other providers (project sponsors) of McKinney-Vento Act funded housing and supportive services for homeless persons. The assistance may include, but is not limited to, written information such as papers, manuals, guides and brochures; person-to-person exchanges; on-site assessments and provision of technical expertise; and training and related costs.

(3) *HOPWA Technical Assistance.* For the purposes of this CD–TA program section of the SuperNOFA, HOPWA technical assistance shall mean the transfer to HOPWA grantees and project sponsors and potential recipients of program funds, the skills and knowledge needed to develop, operate and support HOPWA-eligible projects and activities.

An applicant for HOPWA TA funds must propose activities on a national basis, a regional basis (e.g. serving a multi-state area) or within a State or community. The application should emphasize how activities will advise and train communities and project sponsors in undertaking program planning, community consultations, housing development and operations, coordination with related health-care and other supportive services, and evaluation and reporting on program performance. The Department has established the following national goal for all HOPWA TA projects:

• *National Goal '' Sustainable and Sound Management of HOPWA Programs and Projects.*

HOPWA TA funds may be used to help to build the capacity of grantees, project sponsors and potential applicants. The national goal is to enhance (1) the organization's ability to use HUD funds in a manner that upholds the public trust in the operation of the program, and (2) the organization's ability to sustain their projects through financial downturns and beyond the term of the grant. Technical assistance providers should plan programs on financial assessments, developing cost-cutting strategies, long range strategic planning, management and operational efficiency, redirecting resources to essential housing programs, how to identify new financial resources, fund-raising strategies and implementing community-wide planning to avoid duplication of service provision. To achieve this goal, HOPWA TA can be used in the following areas:

(a) Management and operations through such activities as:

(i) Advising on management practices to ensure responsive, efficient and cost effective facility and program operations;

(ii) Advising on fiscal management to ensure accountability in the use of funds and in the development of long-term strategies to assure financial viability including strategic planning, merger and acquisition consideration, financial development programs; and

(iii) Assisting projects in using the Department's information technology, financial systems and information management systems.

(b) State, local, and community planning through such activities as:

(i) Advising on the coordination of housing with health-care and other

related supportive services for eligible persons;

(ii) Assisting in developing collaborations with local, State and Federal agencies that administer HIV/AIDS-related programs, including programs funded under the Ryan White CARE Act;

(iii) Creating or linking to existing needs assessments of the area's housing needs of persons living with HIV/AIDS and their families;

(iv) Creating or linking to comprehensive multiple-year HIV/AIDS housing plans that are undertaken in collaboration with local, State and federal programs including the Ryan White CARE Act programs; and

(v) Creating or linking to existing plans that address specialized needs of clients, including assistance for clients with serious mental illness, chronic alcohol and other drug abuse issues, and homelessness.

(c) Program evaluation through such activities as:

(i) Advising on data collection and program evaluation and dissemination of results; and

(ii) Developing and providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices.

HOPWA TA applicants should demonstrate that they will assist in the development of Sustainable and Sound Management of HOPWA Programs by serving grantees who assist underserved populations and presenting a plan that describes an outreach and technical assistance program directed to organizations who serve identified underserved populations. The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, youth, post-incarcerated populations and persons living in rural areas. For the purposes of the HOPWA TA portion of this NOFA, underserved populations are defined as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, youth, post-incarcerated populations, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in your service area. To meet this definition of an underserved population, you must present reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, Consolidated Plan, and Continuum of Care documentation), showing the unmet need in the provision of housing and supportive services for the identified underserved population under Rating Factor 2 (1). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served.

In an effort to meet this continuing need, the highest rated applicants will demonstrate an outreach and assistance program to an identified underserved population as detailed under Rating Factor 3, Soundness of Approach (2) and will support the National HOPWA Goal of Sustainable and Sound Management. Such assistance could include linking HOPWA grantees and project sponsors to other community based organizations that serve an underserved population but have no, or limited, experience with providing housing services. Additionally, HOPWA TA providers could provide assistance to collaborations targeting an underserved population funded under the HOPWA competitive program.

(E) *Sub-Grants Applicants.* Sub-Grant Applications may propose to make sub-grants to achieve the purposes of their proposed CD–TA programs in accordance with program requirements in Section IV of this CD–TA Program section of the SuperNOFA.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA (please especially note a new requirement regarding Conducting Business in Accordance with Core Values and Ethical Standards found in General Section II(B)(2)), applicants are subject to the following requirements:

(A) *Program Requirements for HOME and McKinney-Vento Act Homeless Assistance.*

(1) *Profit/Fee.* No increment above cost, no fee or profit, may be paid to any recipient or subrecipient of an award under this CD–TA Program section of the SuperNOFA.

(2) *Demand/Response Delivery System.*

(a) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of, each HUD Field Office within whose jurisdiction you are operating. When so directed by a Field Office, you will coordinate your activities instead through a lead CD–TA provider or other organization designated by the Field Office.

(b) If selected as the lead CD–TA provider in any Field Office jurisdiction, as an awardee you must coordinate the activities of other CD–TA providers selected under this CD–TA Program section of the SuperNOFA under the direction of the HUD Field Office. Joint activities by CD–TA providers may be required.

(c) Under the demand/response system, CD–TA providers will be required to:

(i) When requested by a Field Office or Government Technical Representative (GTR), market the availability of their services to existing and potential clients to include local jurisdictions in which the assistance will be delivered.

(ii) Respond to requests for assistance from the HUD Field Office(s) with oversight of the geographic service area for which the technical assistance will be delivered, including responding to priorities established by the Field Office in its Grants Management System. HOME PJs, and McKinney-Vento Act Homeless Assistance grantees may request assistance from the CD–TA provider directly, but such requests must be approved by the local HUD Field Office.

(iii) When requested by a Field Office or GTR, conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the planned or expected Consolidated Plan submission to HUD and to other technical assistance providers providing service within the locality.

(iv) Obtain approval for the Technical Assistance Delivery Plan (TADP) from the HUD Field Office(s) with oversight for the area in which service will be provided. (See Section 3 below).

(v) Work cooperatively with other CD–TA providers in their geographic areas to ensure that clients are provided with the full range of CD–TA services needed and available. CD–TA providers are expected to be knowledgeable about the range of services available from other providers, make referrals and arrange visits by other CD–TA providers when appropriate, and carry out CD–TA

activities concurrently when it is cost-effective and in the interests of the client to do so. HUD Field Offices may direct CD–TA providers to conduct joint activities.

(3) *Technical Assistance Delivery Plan (TADP).*

(a) After selection for funding but prior to award, you must develop a TADP for each Field Office jurisdiction or National Program for which you have been selected, in consultation with the Field office and/or GTR.

(b) In developing the TADP, you must follow the Field Office's management plan determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(c) The Field Office management plan should indicate the issues to be addressed by CD–TA, the improved performance expected as a result of CD–TA, and methods for measuring the success of the CD–TA.

(d) The TADP must delineate all the tasks and sub-tasks for each CD program the applicant will undertake in each Field Office jurisdiction. The TADP must show the location of the community/State in which the CD–TA activities will occur, the level of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA and the methodology to be used for measuring the success of the CD–TA. A time schedule for delivery of the activities, budget summary, budget-by-task and staffing plan must be included in the TADP.

(4) *Negotiation.* After all applications have been rated and ranked and a selection has been made, HUD requires that all winners participate in negotiations to determine the specific terms of the TADP and the budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(5) *Forms, Certifications and Assurances.* You must submit with your application the forms, certifications and assurances listed in the General Section of this SuperNOFA.

(6) *Financial Management and Audit Information.* After selection for funding but prior to award, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by 24 CFR part 84 for Institutions of Higher Education and other Non-Profit Institutions, 24 CFR part 85 for States and local governments, or the Federal Acquisition Regulations (for all other applicants). The information should include the name and telephone number of the independent auditor, cognizant Federal auditor, or other audit agency as applicable.

(7) *Training Sessions.* When conducting training sessions as part of its CD–TA activities, CD–TA providers are required to:

(a) Design the course materials as ''step-in'' packages (also called ''train-the trainer'' packages) so that a Field Office or other CD–TA provider may separately give the course on its own;

(b) Arrange for joint delivery of the training with Field Office participation when so requested by the Field Office or by the GTR for national grants; and

(c) When requested by a Field Office and/or GTR, provide for professional videotaping of the workshops/courses and ensure their production in a professional and high-quality manner, suitable for viewing by other CD clients (if this requirement is implemented, additional funds may be requested).

(d) When required by HUD, deliver HUD-approved training courses that have been designed and developed by other HUD contractors or HUD cooperating parties on a ''step-in'' basis for CD–TA clients, and send trainers to HUD-approved Train-the Trainer sessions.

(8) *Reports to Field Offices and/or GTRs.* CD–TA providers will be required to report to the HUD Field Office(s) with oversight of the geographic area(s) in which CD-TA services are provided or to Headquarters GTRs in the case of national providers. At a minimum, this reporting will be on a quarterly basis unless otherwise specified in the approved TADP.

(9) *Active Participation.* HUD Field Offices will be active participants in the delivery of all technical assistance by funded providers throughout the term of the cooperative agreement.

(10) *HOME TA Program Limitations.* Pursuant to section 243(b) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible HOME TA organization, whether as an independent or joint applicant, is limited to not more than 20% of the operating budget of the recipient organization in any one year and is limited to 20% of the funds available under this CD–TA program section of the SuperNOFA.

(11) *HOME National TA Program Guidance.* With the funds designated for a national TA program, HUD intends to fund applications which propose activities to help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs; and/or encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships. Proposals should directly address how the capacity of participating jurisdictions may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on the basic skills and systems needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(12) *Affirmatively Furthering Fair Housing.* Section II(D) of the General Section of the SuperNOFA does not apply to these technical assistance programs.

(B) *Program Requirements for HOPWA Technical Assistance.*

(1) *General Requirements.* The items listed below specify the requirements that apply to the HOPWA TA applications as follows: in Section IV(A), Paragraphs: (1) Profit/Fee; (4) Negotiation, except that the TADP reference will apply to a workplan negotiated between the applicant and the GTR for the HOPWA TA grant in HUD Headquarters; (5) Forms, Certifications and Assurances; (6) Financial Management and Audit Information; (7) Training Sessions; (8) Reports to Field Offices and/or GTRs, except that you must report to the HOPWA Headquarters GTR, at a minimum, on a quarterly basis, unless otherwise specified in an approved HOPWA TA workplan and you will be expected to meet the following performance benchmarks: (i) you are required to begin technical assistance activities within one year of your selection (i.e., one year from the date of the signing of your selection letter by HUD); and (ii) you are requested to provide an initial report to the Field Office and the Headquarters GTR on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(2) *Coordination of HOPWA TA Requests.* Except for national meetings, research, information and other activities that are conducted on a program-wide basis in cooperation with HUD Headquarters, as the grantee of HOPWA TA funds, you must work cooperatively with HUD Field Offices. You must notify the applicable HUD Field Office of the planned activities; must consider the views or recommendations of that office, if any; must follow those recommendations, to the degree practicable; and must report to the applicable Field Office on the accomplishments of this assistance.

V. Application Selection Process

(A) Rating and Ranking

(1) HUD will evaluate applications competitively and rank them against all other applicants that have applied for the same CD–TA program (HOME, McKinney-Vento Act Homeless Assistance) within each Field Office or as a National Provider under HOPWA. There will be separate rankings for each CD–TA program, and you will be ranked only against others that have applied for the same CD–TA program.

(2) Once scores are assigned, all applications will be listed in rank order for each CD–TA program for which they applied by Field Office jurisdiction and/or the HOPWA National Program. In each Field Office jurisdiction or National Program area, all applications for the HOME TA program will be listed in rank order on list, all applications for the McKinney-Vento Act Homeless Assistance TA program will be listed in rank order on another list, and all applications for the HOPWA TA national projects will be ranked separately on a third list. Under this system, a single application from one organization for all CD–TA programs could be assigned different scores and different rankings for each program in different Field Offices.

(3) Applications will be funded in rank order for each CD–TA program by Field Office jurisdiction, except for HOPWA TA national providers and others which cannot be ranked by Field Office jurisdiction. National providers and others will be ranked separately and funded in rank order for each CD–TA program. Irrespective of final scores, HUD may apply program policy criteria to select one applicant in each of the two HOME and McKinney-Vento Act Homeless Assistance) CD–TA programs in each Field Office or nationally, to ensure diversity of methods, approaches, or kinds of projects. HUD will apply these program policy criteria to provide coverage of CD–TA services for minorities; women, particularly women in the homebuilding professions under section 233(b)(7) of the Cranston-Gonzalez National Affordable Housing Act; persons with disabilities; homeless; persons with special needs; and rural areas.

(4) In addition to the authority in the General Section to adjust funding, HUD reserves the right to adjust funding levels for each applicant for each CD–TA program, as follows:

(a) Adjust funding levels for any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, funds available on a national basis for providers that will be operating nationally, or the scope of the technical assistance to be provided;

(b) To negotiate increased grant awards with applicants approved for funding if HUD requests them to offer coverage to geographic areas for which they did not apply or budget, or if HUD receives an insufficient amount of applications.

(5) If funds remain after all selections have been made, remaining funds may be:

(a) Distributed among all HUD Field Offices (in proportion to their fair-share awards) and/or the National Program, or

(b) Made available for other CD–TA program competitions.

(6) If you apply for HOPWA TA funds, you must propose activities that will be carried out on a national, regional, State or community basis. The Department reserves the right to adjust the amount of requested funds that are awarded to correspond with the size of the intended service area in comparison to the planned national scope of activities to ensure the best use of these limited resources. Additionally, HUD may also modify the service area of a selected application, if practicable.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors and maximum points for each factor are provided below. The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an applicant to be considered in funding range is 70, with a minimum of 15 points in Factor 1. The CD–TA program is not an eligible program for bonus points, as described in Section III(C)(1)–(3) of the General Section of the SuperNOFA.

Rating of the ''applicant'' or the ''applicant's organization and staff'', unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

When addressing the Factors for Award, you should discuss the specific TA projects, activities, tasks, etc. that you suggest be carried out during the term of the cooperative agreement. See Sections IV(A)(2) and (3) of this CD–TA program section for a discussion of the extent to which such activities may be revised at or after the time of award. In responding to the Factors, you should be specific about the type of experience, knowledge, skills and abilities your organization, your staff, and any subcontractors firmly committed to the project have with the CD–TA programs and you should provide relevant examples to support your application. You should also be specific when detailing the communities, populations (HOPWA only) and/or organizations which you propose to serve, especially in response to Factor 3, Subfactor 2 and in detailing the dollar amounts you have leveraged in Factor 4.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 points) (Minimum for Funding Eligibility 15 points)

In rating this factor, HUD will consider the extent to which the application demonstrates in relation to CD–TA program funding that is requested:

(1) (10 points) Recent, relevant and successful experience of your organization and staff in providing technical assistance in all eligible activities and to all eligible entities for the CD–TA program(s) applied for, as described in the regulations;

(2) (8 points) The relevant experience, competence, knowledge, skills, and abilities of your key personnel in managing complex, multi-faceted or multi-disciplinary programs that require coordination with other CD–TA entities or multiple, diverse units in an organization;

(3) (7 points) You have sufficient personnel or access to qualified experts or professionals with the knowledge, skills, and abilities to deliver the proposed level of technical assistance in each proposed service area in a timely and effective fashion.

Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Groups/Localities and Accomplishing Project Objectives for Each CD–TA Program for which Funds Are Requested (20 Points)

In rating this factor, HUD will consider the extent to which your application:

(1) (8 points) Identifies high priority needs and issues for the CD program in

each community or Field Office jurisdiction for which CD–TA funding is requested, or on a national or regional basis for national HOPWA grants;

(2) (7 points) Outlines a clear and cost-effective plan of suggested TA activities for addressing those needs and aiding a broad diversity of eligible grantees and/or beneficiaries, including those which traditionally have been under-served; and

(3) (5 points) Identifies creative activities to assist eligible grantees in participating in the development of, and improving, local Consolidated Plans and comprehensive strategies.

Rating Factor 3: Soundness of Approach (35 Points)

In rating this factor, HUD will consider the extent to which your application evidences a sound approach in addressing identified needs and:

(1) (13 points) Provides a cost effective plan for designing, organizing, managing and carrying out the suggested technical assistance activities within the framework of the Demand/Response System or, for HOPWA TA applicants, in addressing the HOPWA TA goal.

(2) (12 points) Demonstrates an effective outreach and assistance program to specifically identified disadvantaged communities, populations (HOPWA only) and/or organizations which previously have been underserved and have the potential to participate in CPD programs.

(3) (5 points) Provides for full geographic coverage, including urban and rural areas, (directly or through a consortium of providers) of a single State or Field Office jurisdiction or is targeted to address the needs of rural areas, minority groups or other under-served groups or for HOPWA TA applicants, addresses other approaches that respond to identified needs.

(4) (5 points) Proposes a feasible, creative plan, which uses state of the art or new promising technology, to transfer models and lessons learned in each of its CD–TA program's activities to grantees and/or program beneficiaries in other CD–TA programs.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider: The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of the proposed program activities.

Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with the applicant. You also may partner with other program funding recipients to coordinate the use of resources in the target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program and preferably be submitted on the organization's letterhead. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process and Continuum of Care homeless assistance strategy, and are working towards addressing a need identified in your application as high priority in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to work with recipients of technical assistance services to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

(C) *Applicant Debriefing.* As described in the General Section, Introduction to the FY 2002 SuperNOFA, applicant debriefings will be conducted beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**. Refer to the General Section for details.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances listed in Section II(H) of the General Section of the SuperNOFA (collectively referred to as the ''standard forms''), your application must, at a minimum, contain the following items (except that the following paragraphs (C), (D), and (E), do not apply to HOPWA TA applicants). The standard forms can be found in Appendix B to the General Section of the SuperNOFA.

(A) Transmittal Letter which identifies the SuperNOFA, the CD–TA programs for which funds are requested and the dollar amount requested for each program, and the applicant or applicants submitting the application. If your organization has never received a CPD technical assistance award, please include a statement to this effect in the transmittal letter. Additionally, HOPWA TA applicants are requested to submit a two-page executive summary outlining the key elements of the proposed TA activities.

(B) Narrative statement addressing the Factors for Award described in Section V(B) of this CD–TA Program section of this SuperNOFA. You should number the narrative response in accordance with each factor for award. This narrative statement will be the basis for evaluating your application. It should include a plan of suggested TA activities as described in Factors 2, 3, and elsewhere. These suggested TA activities may form a starting point for negotiating the TADP described in Section IV(A)(3) of this CD–TA Program section of the SuperNOFA. However, they are used primarily for purposes of rating and evaluation and may be substantially altered and revised during negotiations with the Field Offices on the content of the TADPs (see Section

IV(A)(3)) or Headquarters program office for national projects.

(C) Statement that identifies the Field Office jurisdictions in which you propose to offer services. If you will not offer services throughout the full jurisdictional area of the Field Office, your statement should identify the service areas involved (e.g., States, counties, etc.), as well as the communities in which you propose to offer services.

(D) A matrix that summarizes the amount of funds you are requesting for each CD–TA program in each Field Office jurisdiction. (See the CD–TA application kit for a copy of the matrix to be submitted.)

(E) A statement as to whether you propose to be considered for the role of lead CD–TA provider in one or more specific program areas in a Field Office jurisdiction, and if so, your organization's capabilities and attributes that qualify you for the role.

(F) Budget Summary identifying costs for implementing the plan of suggested TA activities by cost category for each CD–TA program for which funds are requested by Field Office or as a National Provider (in accordance with the following):

(1) Direct Labor by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(2) Fringe Benefits by staff position identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(3) Material Costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material costs;

(4) Transportation Costs, as applicable.

(5) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(6) Consultant Costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(7) Subcontract Costs, if applicable. Indicate each individual subcontract and amount;

(8) Other Direct Costs listed by item, quantity, unit cost, total for each item listed, and total other direct costs for the award;

(9) Indirect Costs should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each CD–TA program area. The grand total of all CD–TA program funds requested should reflect the grand total of all funds for which application is made.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and 58.34(a)(9), the assistance provided by these programs relates only to the provision of technical assistance and is categorically excluded from the requirements of the National Environmental Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

IX. Authority

HOME Technical Assistance. The HOME Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. The Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140. The Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs are authorized by the FY 2002 HUD Appropriations Act.

HOPWA Technical Assistance. The HOPWA Technical Assistance program is authorized under the FY 2002 HUD Appropriations Act. The HOPWA program is authorized under the AIDS Housing Opportunities Act (42 U.S.C. 12901) and the HOPWA regulations are found at 24 CFR part 574.

APPENDIX A TO CD–TA PROGRAM: ''FAIR-SHARE'' AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Alabama State Office	50,000	40,000	.....
Alaska State Office	50,000	40,000	.....
Arkansas State Office	50,000	40,000	.....
California State Office	257,900	242,000	.....
Los Angeles Area Office	224,100	255,000	.....
Caribbean Office	61,400	40,000	.....
Colorado State Office	92,100	40,000	.....
Connecticut State Office	50,000	40,000	.....
District of Columbia Office	50,000	83,000	.....
Florida State Office	50,000	70,000	.....
Jacksonville Area Office	79,800	49,000	.....
Georgia State Office	76,800	40,000	.....
Hawaii State Office	50,000	40,000	.....
Illinois State Office	156,600	145,000	.....
Indiana State Office	61,400	40,000	.....
Kansas/Missouri State Office	64,500	40,000	.....
St. Louis Area Office	50,000	40,000	.....
Kentucky State Office	50,000	40,000	.....
Louisiana State Office	64,500	40,000	.....
Maryland State Office	50,000	40,000	.....
Massachusetts State Office	132,100	182,000	.....
Michigan State Office	119,800	138,000	.....
Minnesota State Office	50,000	52,000	.....

APPENDIX A TO CD–TA PROGRAM: ''FAIR-SHARE'' AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE—Continued

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Mississippi State Office	50,000	40,000	.....
Nebraska State Office	50,000	40,000	.....
New Jersey State Office	92,100	52,000	.....
New Mexico State Office	50,000	40,000	.....
New York State Office	267,200	239,000	.....
Buffalo Area Office	55,300	57,000	.....
North Carolina State Office	67,600	40,000	.....
Ohio State Office	144,300	104,000	.....
Oklahoma State Office	50,000	40,000	.....
Oregon State Office	55,300	40,000	.....
Pennsylvania State Office	122,800	106,000	.....
Pittsburgh Area Office	61,400	57,000	.....
South Carolina State Office	50,000	40,000	.....
Tennessee Knoxville Area Office	61,400	40,000	.....
Texas State Office	156,600	88,000	.....
San Antonio Area Office	50,000	40,000	.....
Virginia State Office	55,300	40,000	.....
Washington State Office	58,300	67,000	.....
Wisconsin State Office	61,400	54,000	.....
National Total	1,500,000	.....	2,000,000

Appendix B to CD–TA Program—List of HUD CPD Field Offices

Alabama

Alabama State Office, Medical Forum Building, 950 22nd Street North, Suite 900, Birmingham, AL 35203, CPD Telephone Number 205–631–2630, ext 1051, TTY Number: 205–731–2624, Local Hours of Operation: 8 am–4:30 pm

Alaska

Alaska State Office, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, AK 99508–4399, CPD Telephone Number: 907–271–3669, TTY Number: 907–271–4328, Local Hours of Operation: 8 am–4:30 pm

Arizona

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

Arkansas

Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, CPD Telephone Number: 501–324–6375, TTY Number: 501–324–5931, Local Hours of Operation: 8 am–4:30 pm

California

Northern—California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

Southern—Los Angeles Area Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017, CPD Telephone Number: 213–894–8000, TTY Number: 213–894–8133, Local Hours of Operation: 8 am–4:30 pm

Caribbean

Caribbean Office, 171 Carlos E. Chardon Avenue, Suite 301, San Juan, PR 00918–0903, CPD Telephone Number: 787–766–5400, TTY Number 787–766–5909, Local Hours of Operation: 8 am–4:30 pm

Colorado

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Connecticut

Connecticut State Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, CPD Telephone Number: 860–240–4800, TTY Number: 860–240–4665, Local Hours of Operation: 8 am–4:30 pm

Delaware

Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, CPD Telephone Number: 215–656–0624, TTY Number: 215–656–3452, Local Hours of Operation: 8 am–4:30 pm

District of Columbia

District of Columbia Office, 820 First Street, NE., Suite 450, Washington, DC 20002, CPD Telephone Number: 202–275–0994, TTY Number: 202–275–0772, Local Hours of Operation: 8 am–4:30 pm

Florida

Southern—Florida State Office, 909 Southeast First Avenue, Room 500, Miami, FL 33131, CPD Telephone Number: 305–536–4431, TTY Number: 305–536–4743, Local Hours of Operation: 8:30 am–5 pm

Northern—Jacksonville Area Office, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, CPD Telephone Number: 904–232–1777, TTY Number: 904–232–2631, Local Hours of Operation: 8 am–4:30 pm

Georgia

Georgia State Office, Five Points Plaza Building, 40 Marietta Street, Atlanta, GA 30303–2806, CPD Telephone Number: 404–331–5001, TTY Number: 404–730–2654, Local Hours of Operation: 8 am–4:30 pm

Hawaii

Hawaii State Office, Seven Waterfront Plaza, 500 Ala Moana Boulevard, Suite 3A, Honolulu, HI 96813–4918, CPD Telephone Number: 808–522–8180, TTY Number: 808–522–8193, Local Hours of Operation: 8 am–4 pm

Idaho

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, CPD Telephone Number: 503–326–7018, TTY Number: 503–326–3656, Local Hours of Operation: 8 am–4:30 pm

Illinois

Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, CPD Telephone Number: 312–353–1696, TTY Number: 312–353–5944, Local Hours of Operation: 8:15 am–4:45 pm

Indiana

Indiana State Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, CPD Telephone Number: 317–226–6790, TTY Number: 317–226–7081, Local Hours of Operation: 8 am–4:45 pm

Iowa

Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, CPD Telephone Number:

402–492–3181, TTY Number: 402–492–3183, Local Hours of Operation: 8 am–4:30 pm

Kansas

Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, CPD Telephone Number: 913–551–5485, TTY Number: 913–551–6972, Local Hours of Operation: 8 am–4:30 pm

Kentucky

Kentucky State Office, 601 West Broadway, Post Office Box 1044, Louisville, KY 40201–1044, CPD Telephone Number: 502–582–6163, TTY Number: 1–800–648–6056, Local Hours of Operation: 8 am–4:45 pm

Louisiana

Louisiana State Office, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, CPD Telephone Number: 504–589–7212, TTY Number: 504–589–7279, Local Hours of Operation: 8 am–4:30 pm

Maine

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Maryland

Maryland State Office, City Crescent Building, 10 South Howard Street, Fifth Floor, Baltimore, MD 21201–2505, CPD Telephone Number: 410–962–2520, TTY Number: 410–962–0106, Local Hours of Operation: 8 am–4:30 pm

Massachusetts

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Michigan

Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, CPD Telephone Number: 313–226–7188, TTY Number: 313–226–6899, Local Hours of Operation: 8 am–4:30 pm

Minnesota

Minnesota State Office, 220 Second Street, South, Minneapolis, MN 55401–2195, CPD Telephone Number: 612–370–3019, TTY Number: 612–370–3186, Local Hours of Operation: 8 am–4:30 pm

Mississippi

Mississippi State Office, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, CPD Telephone Number: 601–965–4700, TTY Number: 601–965–4171, Local Hours of Operation: 8 am–4:45 pm

Missouri

Eastern—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, CPD Telephone Number: 314–539–6524, TTY Number: 314–539–6331, Local Hours of Operation: 8 am–4:30 pm

Western—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, CPD Telephone Number: 913–551–5485, TTY Number: 913–551–6972, Local Hours of Operation: 8 am–4:30 pm

Montana

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Nebraska

Nebraska State Office, Executive Tower Centre 10909 Mill Valley Road, Omaha, NE 68154–3955, CPD Telephone Number: 402–492–3181, TTY Number: 402–492–3183, Local Hours of Operation: 8 am–4:30 pm

Nevada

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

New Hampshire

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

New Jersey

New Jersey State Office, One Newark Center, 13th Floor, Newark, NJ 07102–5260, CPD Telephone Number: 973–622–7900, TTY Number: 973–645–3298, Local Hours of Operation: 8 am–4:30 pm

New Mexico

New Mexico State Office, 625 Silver Avenue S.W., Suite 100, Albuquerque, NM 87102–3185, CPD Telephone Number: 505–346–7271, TTY Number: (TTY Relay Operator): 1–800–877–8339, Local Hours of Operation: 8 am–5 pm

New York

Downstate—New York State Office, 26 Federal Plaza, New York, NY 10278–0068, CPD Telephone Number: 212–264–8000, ext. 3401, TTY Number: 212–264–0927, Local Hours of Operation: 8 am–4:30 pm

Upstate—Buffalo Area Office, Lafayette Court, 465 Main Street, Fifth Floor, Buffalo, NY 14203–1780, CPD Telephone Number: 716–551–5755, TTY Number: 716–551–5787, Local Hours of Operation: 8 am–4:30 pm

North Carolina

North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, CPD Telephone Number: 336–547–4005, TTY Number: 336–547–4055, Local Hours of Operation: 8 am–4:45 pm

North Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Ohio

Ohio State Office, 200 North High Street, Columbus, OH 43215–2499, CPD Telephone Number: 614–469–5737, TTY Number: 614–469–6694, Local Hours of Operation: 8 am–4:45 pm

Oklahoma

Oklahoma State Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, CPD Telephone Number: 405–553–7569, TTY Number: (TTY Relay Operator): 1–800–877–8339, Local Hours of Operation: 8 am–4:30 pm

Oregon

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, CPD Telephone Number: 503–326–7018, TTY Number: 503–326–3656, Local Hours of Operation: 8 am–4:30 pm

Pennsylvania

Eastern—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, CPD Telephone Number: 215–656–0624, TTY Number: 215–656–3452, Local Hours of Operation: 8 am–4:30 pm

Western—Pittsburgh Area Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, CPD Telephone Number: 412–644–2999, TTY Number: 412–644–5747, Local Hours of Operation: 8 am–4:30 pm

Rhode Island

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

South Carolina

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, CPD Telephone Number: 803–765–5564, TTY Number: 803–253–3071, Local Hours of Operation: 8 am–4:45 pm

South Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Tennessee

Knoxville Area Office, John J. Duncan Federal Building, 710 Locust Street SW, Third Floor, Knoxville, TN 37902–2526, CPD Telephone Number: 423–545–4391, TTY Number: 423–545–4559, Local Hours of Operation: 7:30 am–4:15 pm

Texas

Northern—Texas State Office, 801 Cherry Street, Post Office Box 2905, Fort Worth,

TX 76102, CPD Telephone Number: 817–978–5933, TTY Number: 817–978–9273, Local Hours of Operation: 8 am–4:30 pm

Southern—San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, CPD Telephone Number: 210–475–6820, TTY Number: 210–475–6885, Local Hours of Operation: 8 am–4:30 pm

Utah

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Vermont

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Virginia

Virginia State Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, CPD Telephone Number: 804–278–4500, TTY Number: 804–278–4501, Local Hours of Operation: 8 am–4:30 pm

Washington

Washington State Office, Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104–1000, CPD Telephone Number: 206–220–5150, TTY Number: 206–220–5185, Local Hours of Operation: 8 am–4:30 pm

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

Program Overview

(A) Authority

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the regulations in 24 CFR part 1003.

(B) Purpose of the Program

The purpose of the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4.

(C) Available Funds

The FY 2002 appropriation for the ICDBG Program is $70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

(D) Eligible Applicants

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.

(E) Application Deadline

June 6, 2002.

(F) Match

None.

(G) Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

Please note: when used in this NOFA the word ''tribe'' means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, ANCSA Village Corporations, and ANCSA Regional Corporations.

I. Application Due Date, Addresses for Submission, Tips for Application Preparation, Application Kits, Further Information, and Technical Assistance

(A) Application Due Date

Your completed application (one original and two copies) must be postmarked on or before 12:00 midnight, on June 6, 2002 and be received by the designated Area Office of Native American Programs (ONAP) on or within 15 days of the application due date.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the United States Postal Service. Hand carried applications will not be accepted.

(B) Addresses for Submitting Applications to the Appropriate Area ONAP

Submit original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list of jurisdictions is given below. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the *United States Postal Service.*

If you are applying from this geographic location then * * *	send your application to this Area ONAP:
All States East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Interstate Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004–2361, Telephone: (602) 379–3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 346–6923.
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399, (907) 271–4603.

(C) General Tips for ICDBG Application Preparation

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, please indicate on the first page of each project submission, the type of project(s) being proposed: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements. This will help to ensure that the appropriate project specific thresholds and rating sub-factors will be applied.

In addition, please use separate tabs for each rating factor and rating sub-factor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing survey data, etc., that support the response. Include all relevant material to a response under the same tab. Only include that documentation that will clearly and concisely support your response to the rating criteria.

HUD suggests that you do a preliminary rating for your project, providing a score according to the NOFA point system. This will help to show you how your project might be scored by reviewers. Also, it will help to show you where the strengths and weaknesses of the application are

located. This will help you determine where improvements can be made to your application prior to its submission.

(D) Application Kits

For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800–HUD–8929 or the appropriate Area ONAP for your jurisdiction as listed above. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants.* When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

(E) Further Information

You should direct general program questions to the Area ONAP serving your area or to Jackie Kruszek, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202; telephone (800) 561–5913. Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free.

(F) Technical Assistance

Before the application due date, we will be available to provide you with general guidance and technical assistance. We, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, we are available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition but will not affect the rating or ranking of your application.

Amount Allocated

(A) Available Funds

The FY 2002 appropriation for the ICDBG Program is $70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

(B) General

Title I of the Housing and Community Development Act of 1974 which authorizes CDBG requires grants for Indian tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

(C) Allocations

The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of $70,000,000 less $2,000,000 retained to fund Imminent Threat Grants, the allocations for FY 2002 are as follows:

Eastern/Woodland	$ 5,905,403
Southern Plains	12,608,675
Northern Plains	10,791,499
Southwest	27,710,487
Northwest	4,741,105
Alaska	6,242,832
Total	68,000,000

(D) Imminent Threats

The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain $2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 2002 is $350,000. We established this ceiling pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR part 1003, subpart E) by the deadline established in this NOFA. The deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, Single purpose grants.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must contain: Standard Form 424, Application for Federal Assistance; a brief description of the proposed project; Form HUD–4123, Cost Summary; Form HUD–4125, Implementation Schedule; Form HUD–2880, Applicant/Recipient Disclosure/Update Report; and, Form HUD–50070, Certification for a Drug-Free Workplace.

III. Program Description; Eligible Applicants; Eligible Activities; and Definitions

(A) Program Description

The purpose of the ICDBG Program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes.

(B) Eligible Applicants

To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under title I of the Indian Self-Determination and Education Assistance Act. A determination of such eligibility must be made by the Bureau of Indian Affairs or the Indian Health Service, as appropriate. This determination must be provided to the ONAPs by the application submission date.

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

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On March 13, 2000 (65 FR 13298), the Bureau of Indian Affairs published a

Federal Register notice entitled ''Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs.'' This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (See 24 CFR 1003.5 for a complete description of eligible applicants.)

(C) Eligible Activities

Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to section 105 of the CDBG statute by section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. The rating factors included under V (J) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and micro-enterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. For a complete description of eligible activities, please refer to 24 CFR Part 1003 Subpart C.

(1) *Acquisition of property.* This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements or Economic Development depending on the purpose of the land acquisition to support new construction.

(2) *Assistance to Institutions of Higher Learning.* If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

(3) *Assistance to Community Based Development Organizations (CBDO's).* Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

(4) *Clearance, Demolition.* These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements or Land to Support New Housing.

(5) *Code Enforcement.* This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. HUD approval is required prior to demolition of any assisted housing.

(6) *Comprehensive Planning.* This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

(7) *Energy Efficiency.* Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

(8) *Lead Based Paint Abatement and Evaluation.* These activities can be proposed under Housing Rehabilitation.

(9) *Non-Federal Share.* ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, Subpart C.

(10) *Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements).* These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

(11) *Privately Owned Utilities.* Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

(12) *Removal of Architectural Barriers.* This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

(D) Definitions

(1) *Adopt.* To approve by formal tribal resolution.

(2) *Assure.* To comply with a specific NOFA requirement. As an applicant, you must state your compliance or your intent to comply in your application.

(3) *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement.

(4) *Entity Other than Tribe.* A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition to support new housing. Entities other than the tribe must have the following characteristics: must be legally distinct from the tribal government; their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; claims against such entities cannot be made against the tribal government; and, must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

Entities other than the tribe may be completely external to the tribe, e.g., a Federal agency, or may be an entity formed or chartered under provisions of tribal law, e.g., a tribally chartered non-profit or for-profit corporation, tribal utility authority, or tribal political subdivision. For example, a housing office that is operated as a department of the tribe would be considered the tribe. However, a housing office that is operated as a tribally designated housing entity (TDHE) would be considered an entity other than the tribe.

(5) *Homeownership Assistance Programs.* Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); provide up to 50 percent of any downpayment required from a low- and moderate-income homebuyer; or, pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

(6) *Leverage.* Resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

(7) *Microenterprise Programs.* Tribes may apply for assistance to operate programs to fund the development, expansion and stabilization of microenterprises. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

(8) *Operations and Maintenance (O&M) for Public Facilities and Improvements.* While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a O&M plan (tribe assumes responsibility) or letter of commitment (entity other than tribe will assume these responsibilities). These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and, security (may not be applicable to many types of infrastructure projects such as roads).

Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, as defined, these O&M costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility.

(9) *Project Cost.* The total cost to implement the project. Project cost includes both ICDBG and non-ICDBG funds and resources.

(10) *Standard Housing/Standard Condition.* Housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher Program) unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 HQS. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for a safe house, in physically sound condition with all systems performing their intended design functions; a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and, an adequate space and privacy for all intended household members.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following requirements:

(A) Program Requirements Applying to All Projects

(1) *Grant Ceilings.* The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2002 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands	ALL	$500,000
Southern Plains	ALL	750,000
Northern Plains	ALL	800,000
Southwest	50,001+	5,000,000
	10,501–50,000	2,500,000
	7,501–10,500	2,000,000
	6,001–7,500	1,000,000
	1,501–6,000	750,000
	0–1,500	550,000
Northwest	ALL	500,000
Alaska	ALL	500,000

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must approve any corrections or revisions to Native American population data before you submit your application.

(2) *Environmental Requirements.* As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58. Grantees may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

(3) *Indian Preference.* HUD has determined that the ICDBG program is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for

implementing this section are in 24 CFR 1003.510.

(4) *Anti-discrimination Provisions.* Under the authority of section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in section 109 (HUD's regulations for section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

(5) *Conflict of Interest.* In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

(6) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 requirements apply to the ICDBG Program, but as stated in 24 CFR 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

(B) Program Requirements Applying to Specific Projects

(1) *Low and Moderate Income Status for Rehabilitation Projects.*

All households that receive grant assistance under a housing rehabilitation project will be of low- and moderate-income status.

(2) *Housing Rehabilitation Cost Limits.*

Grant funds spent on rehabilitation per house must fall within the following limits for each Area ONAP jurisdiction:

(i) Eastern/Woodlands	$35,000
(ii) Southern Plains	20,000
(iii) Northern Plains	35,000
(iv) Southwest	40,000
(v) Northwest	40,000
(vi) Alaska	55,000

(3) *Commitment to Housing for Land Acquisition to Support New Housing Projects.* For land acquisition to support new housing projects, your application must include evidence of a financial commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or, documentation that these units are specifically identified in the Indian Housing Plan (IHP), (one-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and Table 2, Financial Resources, Part III) submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (aka the Native American Housing Block Grant (NAHBG)) resources. If the IHP for the IHBG (aka NAHBG) Program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(4) *Health Care Facilities.* If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

(C) Inapplicable General Section Program Requirements

Please note that the requirements in the General Section regarding conducting business in accordance with HUD core values and ethical standards do not apply to the ICDBG Program. The provision in II(C) of the General Section giving two bonus points for eligible activities/projects to be located in a RC/EZ/EC does not apply. In addition, the requirements in Section II(D) of the General Section of the SuperNOFA regarding applicability of affirmatively furthering fair housing do not apply. The requirement is inconsistent with section 106(a) of the Housing and Community Development Act of 1974, as amended, which specifically makes inapplicable to the ICDBG program the requirement of section 104(b)(2) that the grantee certify that it will affirmatively further fair housing.

V. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA. Your application must meet all screening for acceptance requirements and all applicant and project specific thresholds listed below. HUD will review each application and assign points in accordance with the selection factors described in this section. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

(A) Screening for Acceptance

ONAPs will screen applications for single purpose grants. The ONAPs will reject an application that fails this screening and will return the application unrated. The ONAPs will accept your application if it meets all the criteria listed below as items (1) through (6):

(1) Your application is received or submitted in accordance with the requirements set forth under Address and Application and Submission Procedures in the General Section of this SuperNOFA;

(2) You are eligible;

(3) The proposed project is eligible;

(4) Your application contains substantially all the components specified in VI of the ICDBG Program Section of this SuperNOFA;

(5) Your application shows that at least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(6) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

(B) Threshold Review

ONAPs will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 24 CFR 1003.302.

(C) Rating

The ONAPs will review and rate each project that meets the acceptance criteria and threshold requirements. The total points for all rating factors is 100. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA. To be considered for funding, your application must receive a minimum of

15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

(D) Public Service Projects

Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public services allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public services allocation renders such a project infeasible, the project will not be funded.

(E) Final Ranking

We will rank all projects against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, ONAPs may approve a grant amount less than the amount requested. In doing so, ONAPs may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the ONAPs determine that there are not enough funds available to fund a project as proposed by the applicant, they may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The ONAPs may select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available.

(F) Tiebreakers

When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the ONAPs will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the ONAPs will use the following factors in the order listed to resolve the tie:

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

(2) The applicant with the fewest active ICDBGs.

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

(G) Pre-award Requirements

If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section V of the General Section of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the ONAPs may determine that you have not met the requirements and may withdraw the grant offer. The ONAPs require you to submit supporting documentation if specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or you have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project. You may not substitute new projects for those originally proposed in your application nor will this information affect your project's rating and ranking. We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

(H) General Threshold Requirement

According to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

(I) Project Specific Threshold Requirements

Please indicate on the first page of each project submission, the type of project(s) (Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements) that is (are) being proposed. This will help to ensure that the appropriate project specific thresholds and rating sub-factor will be applied.

In addition, for definitions of ''assure'' and ''document'', please refer to Section III(D), Definitions of this Program Section of the SuperNOFA.

(1) *Housing Rehabilitation Project Thresholds.*

(a) In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.*

(b) In accordance with 24 CFR 1003.302(a), you must also provide an assurance that project funds will be used to rehabilitate HUD-assisted houses only when the tenant/homebuyer's payments are current or the tenant/homebuyer is current in a repayment agreement except in an emergency situation. Exceptions to this requirement must be approved by the ONAP Administrator on a case-by-case basis.

(2) *Land Acquisition to Support New Housing Project Thresholds.* No project specific thresholds.

(3) *New Housing Construction Project Thresholds.* (a) In accordance with 24 CFR 1003.302, new housing construction can only be implemented through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(b) In accordance with 24 CFR 1003.302, you must also submit with your application a current tribal resolution adopting and identifying construction standards. The construction standards may be a tribal building code or a nationally recognized model code. If it is a tribal code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b). If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c).

(c) In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(i) All households to be assisted under a new housing construction project must be of low or moderate income status;

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

(iii) No other funding sources including an IHBG (aka NAHBG) can meet the needs of the household(s) to be served; and

(iv) The house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, the household is currently in an overcrowded house (more than one household per house), or the household to be assisted has no current residence.

(4) *Homeownership Assistance Project Thresholds.* No project specific thresholds.

(5) *Public Facilities and Improvements Project Thresholds.* No project specific thresholds.

(6) *Economic Development Project Thresholds.* In accordance with 24 CFR 1003.302, for economic development assistance you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

(7) *Microenterprise Program Thresholds.* No project specific threshold.

(J) Factors for Award Used To Evaluate and Rate Applications

The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100, the maximum any project can receive. The following summarizes the points assigned to each rating factor and each rating sub-factor and lists which rating sub-factors apply to which project types. Please use this table to ensure you are addressing the appropriate rating sub-factor for your project.

Rating factor	Rating and sub-factor	Points	Project type
1	Total	30	Minimum of 15 Points Required.
	(1)(a)	10	All Project Types.
	(1)(b)	*5 or 7	All Project Types.
	(1)(c)	*3 or 8	All Project Types.
	(1)(d)	*2 or 5	All Project Types.
	(2)(a)	*2 or 0	All Project Types.
	(2)(b)	*2 or 0	All Project Types.
	(2)(c)	*2 or 0	All Project Types.
	(2)(d)	*2 or 0	All Project Types.
	(2)(e)	*2 or 0	All Project Types.
2	Total	20	All Project Types.
	1	5	All Project Types.
	(2)(a)	15	Public Facilities and Improvements and Economic Development Projects.
	(2)(b)	15	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects.
	(2)(c)	15	Microenterprise Programs.
3	Total	35	
	(1)	19	All Project Types.
	(2)	1	All Project Types.
	(3)	1	All Project Types.
	(4)(a)(i)	15	Public Facilities and Improvements (tribe assumes O&M responsibilities).
	(4)(a)(ii)	15	Public Facilities and Improvements (entity other than tribe assumes O&M responsibilities).
	(4)(b)	15	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.
	(4)(c)	15	Economic Development.
	(4)(d)	15	Microenterprise Programs.
	(4)(e)	15	Land Acquisition to Support New Housing.
4	Total	10	All Project Types.
5	Total	5	All Project Types.
Total possible.		100	Minimum of 70 Points Required.

* The first number listed indicates the maximum number of points available to current ICDBG grantees under this sub-factor. The second number indicates the maximum number of points available to new applicants.

Rating Factor 1: Capacity of the Applicant (30 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. If applicable, past performance in administering previous ICDBG grants will be taken into consideration. Please specifically address the existence or availability of these resources for the *specific type of*

activity for which you are applying. You must receive a minimum of 15 points under this factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor.

(1) Managerial, Technical, and Administrative Capability

(20 points for current ICDBG grantees)
(30 points for new applicants)

Your application must include documentation demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project.

(a) Managerial and Technical Staff

(10 points)

The extent to which your application describes the roles/responsibilities and the knowledge/experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning, managing and implementing projects for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(b) Project Management Plan and Method

(5 points for current ICDBG grantees)
(7 points for new applicants)

The extent to which your project management plan identifies the specific actions that you and your partners contractors and/or sub grantees will take to complete your proposed project on time and within budget. Your management plan must include a description of the management structure for the program and a schedule outlining the estimated completion of all tasks associated with your proposed project.

(c) Financial Management

(3 points for current ICDBG grantees)
(8 points for new applicants)

The extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project. Effective fiscal control will be judged in terms of your financial management and/or internal control policies and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by a tribal resolution adopting such policies and procedures and the adopted resolution is included with your application; how you will apply your financial systems to the specific project for which you are applying; and, the findings of your most recent financial audit or a letter of endorsement from your auditor if the most recently conducted audit report has not been finalized is included with your application.

(d) Procurement and Contract Management

(2 points for current ICDBG grantees)
(5 points for new applicants)

The extent to which your application describes how your procurement and contract administration policies and procedures will facilitate effective procurement and contract control over your proposed project. Effective procurement and contract control will be judged in terms of your procurement and contract administration policy and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by an adopted resolution and included with your application, and how you will apply your procurement and contract systems to the specific project for which you are applying.

(2) Past Performance

(10 points for current ICDBG grantees)
(0 points for new applicants)

Your performance in administering ICDBG grants over the preceding 12-month period on any open ICDBG grant will be evaluated based on the following performance measures.

(a) (2 points for current ICDBG grantees) (0 points for new applicants) You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program.

(b) (2 points for current ICDBG grantees) (0 points for new applicants) You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program.

(c) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted close-out documents to HUD in a timely manner. Close-out documents are required for the ICDBG Program within 90 days of the date it is determined that the criteria for close out at 24 CFR 1003.508 have been met.

(d) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted in a timely fashion annual audits in accordance with the ICDBG Program requirements and OMB Circular A–133 and its compliance supplements.

(e) (2 points for current ICDBG grantees) (0 points for new applicants) You have resolved in a timely fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

(1) (5 points) Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

(2) (15 points) Your project benefits the neediest segment of the population. The criteria for this sub-factor vary according to the type of project for which you are applying. Please note that you may submit data that are unpublished and not generally available in order to meet the requirements of this section. However, to do so, you must submit a demographic data certification along with supporting documentation as described in Section VI (A) and (C)(6) below.

(a) Public Facilities and Improvements and Economic Development Project

The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project.

(15 points) 85 percent or more of the beneficiaries are low or moderate income.

(10 points) At least 75 percent but less than 85 percent of the beneficiaries are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the beneficiaries are low or moderate income.

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

(b) New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects

(15 points) The Indian tribe's IHBG (aka NAHBG) amount was $100,000 or less in IHBG (aka NAHBG) funds.

(10 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $100,000 but at most $300,000 in IHBG (aka NAHBG) funds.

(5 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $300,000 but at most $500,000 in IHBG (aka NAHBG) funds.

(0 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $500,000 in IHBG (aka NAHBG) funds.

(c) Microenterprise Programs

The owner(s) of the microenterprise must be low or moderate income and the majority of the jobs created or retained will be for low- or moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low and moderate income *and:*

(15 points) All employees are low or moderate income.

(10 points) At least 75 percent but less than 100 percent of the employees are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the employees are low or moderate income.

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

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the quality and anticipated effectiveness of your proposed project in meeting the needs you have identified in Rating Factor 2 and the commitment to sustain your proposed project. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

(1) (14 points) Description of and Rationale for Proposed Project

The extent to which your proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. You must describe the proposed project in detail and indicate why you believe the proposed project will be most effective in addressing the identified need. Appropriate information to address this subfactor includes the size, type and location of the project; rationale for project design; and, anticipated cost savings due to innovative program design and/or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

(2) (5 points) Budget and Cost Estimates

The quality, thoroughness, and reasonableness of the proposed project budget. Cost estimates must be broken down by line item for each proposed activity and documented by outside sources when appropriate.

(3) (1 point) Accessible Design Features

Your application incorporates accessible design features into your proposed project and provides associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA.

(4) (15 points) Commitment to Sustain Activities

Your application demonstrates your commitment to sustain your proposed activities. The criteria for this sub-factor vary according to the type of project for which you are applying.

(a) Public Facilities and Improvement Projects

(i) *If the tribe assumes operation and maintenance responsibilities for public facilities and improvements,* a resolution that both adopts the operation and maintenance plan and commits necessary funds must be included in the application

(15 points) The plan itself is included and addresses maintenance, repairs, insurance, replacement reserves and includes a cost breakdown for annual expenses; for community buildings only, the source of operating funds is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both operating expenses and space needs.

(10 points) A resolution adopting the operation and maintenance plan and committing funds is included; the plan is included and addresses most, but not all above items, but does include a satisfactory cost breakdown; for community buildings only, above service provider commitments (if applicable) as well as the source of operating funds are included. Information provided is sufficient to determine that the project will proceed effectively.

(5 points) A resolution adopting the plan and committing funds, or a plan addressing most of the above items is included. Information provided is sufficient to determine that the project will proceed effectively.

(0 points) None of the above criteria are met.

(ii) *If an entity other than the tribe commits to pay for operation and maintenance for public facilities and improvements,* the application must contain a letter of commitment from the entity that assumes the operation and maintenance responsibilities.

(15 points) Your application contains a letter of commitment from the entity that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, as well as commits the necessary funds to provide for these responsibilities; for community buildings only, the source of funds for program service provision is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both these funds and space needs.

(10 points) Your application contains a letter of commitment identifying maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, but no information committing the necessary funds is included; for community buildings only, the source of funds for program service provision is identified for any applicable services to be provided by the tribe or other entities and letters of commitment from applicable providers are included which address both these funds and space needs.

(5 points) Your application identifies the maintenance provider and, if applicable, responsibilities for operations the entity will assume, but a letter of commitment is not provided; for community buildings only, letters of commitment to provide services are included but no information regarding the provision of these funds or space needs is provided.

(0 points) None of the above criteria are met.

(b) New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects

(15 points) The ongoing maintenance responsibilities are clearly identified for

the tribe and/or the participants, as applicable. All participant maintenance responsibilities are included on a statement to be signed by the participant as a condition of receiving grant assistance and the statement to be used is included in the application.

(10 points) Maintenance responsibilities are identified, but lacking in detail, and the above statement to be signed by the participant is submitted.

(5 points) Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist.

(0 points) None of the above criteria are met.

(c) Economic Development Projects

You must include information or documentation which addresses or provides the following in the application: A description of the organizational system and capacity of the entity that will operate the business; the feasibility and market analysis of the proposed business activity and the financial viability of the project.

Appropriate documents to include in the application to address these items include:

(i) Articles of incorporation, by-laws, resumes of key management positions and board members.

(ii) Business operating plan.

(iii) Market study no more than two years old.

(iv) Feasibility study indicating how the proposed business will capture a fair share of the market.

(v) Detailed cost summary for the development of the project.

(vi) Five year operating or cash flow financial projections.

(vii) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

(15 points) All above documents applicable to the proposed project are included in your application and provide evidence that the project's chance for financial success is excellent.

(8 points) All or most of the above documents applicable to the proposed project are included and provide evidence that the project's chance for financial success is reasonable.

(0 points) Neither of the above criteria is met.

(d) Microenterprise Programs

You must include the following information or documentation in the application that addresses or provides a description of how your microenterprise program will operate. Appropriate information to include in the application to address program operations includes:

(i) Program description. A description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance.

(ii) Processes for selecting applicants. A description of your processes for analyzing microenterprise applicants' business plans, market studies and financial feasibility. For credit programs, you describe your process for determining the loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(15 points) All of the above information or documentation applicable to the proposed project are thoroughly addressed in the application and the chances for success are excellent.

(8 points) All or most of the above information or documentation applicable to the proposed project are addressed in the application and the chances for success are reasonable.

(0 points) Neither of the above criteria is met.

(e) Land Acquisition Projects to Support New Housing

Submissions must include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has suitable soil conditions for housing and related infrastructure, available drinking water, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

(15 points) The submissions include all of the above-mentioned items and all necessary infrastructure is in place.

(8 points) The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase.

(0 points) Neither of the above criteria is met.

Rating Factor 4: Leveraging Resources (10 Points)

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, we will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG resources to project costs	Points
Less than 5 percent	0
At least 5 percent but less than 10 percent	2
At least 10 percent but less than 15 percent	4
At least 15 percent but less than 20 percent	6
At least 20 percent but less than 25 percent	8
25 percent or more	10

Contributions which could be considered as leveraged resources for point award include, but are not limited to: Tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants including IHBG (aka NAHBG) funds; donated goods and services needed for the project; land needed for the project; and, direct administrative costs.

Contributions that will not be considered include, but are not limited to: Indirect administrative costs as identified in OMB Circular A–87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To be considered for point award, letters of firm commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project must accompany the application.

To demonstrate the commitment of tribal resources, the application must contain a council resolution or legal equivalent that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR part 58 for the project. In the case of IHBG (aka NAHBG) funds, whether they are administered by the tribe or a TDHE, an approved IHP must identify and commit the IHBG (aka NAHBG) resources to the project. If the tribe/TDHE intends to include the leveraged commitment in a future IHP, the application must contain a council resolution or legal equivalent that identifies and commits the IHBG (aka

NAHBG) resources to the project subject to the same requirements as above.

To demonstrate the commitment of public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. The commitment must be signed by an official of the organization legally authorize to make commitments on behalf of the organization and must be conditional upon favorable outcome of any environmental review required under 24 CFR part 58 for the project.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs (or time estimates, if appropriate) that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: A site specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or, a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs including assisting beneficiaries and the program to achieve self-sufficiency/sustainability.

(1) (2 points) Your application addresses the extent to which you have coordinated your activities with other organizations that are not directly participating in your proposed work activities (not project partners such as those listed under Rating Factor 4: Leveraging), but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. For example, your project is consistent with and, to the extent possible, identified in the IHP (One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the IHBG (aka NAHBG) Program. If the IHP for the IHBG (aka NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(2) (3 points) Your proposed project will accomplish measurable outcomes such as number of jobs created or obtained; education or job training opportunities provided, increased economic self-sufficiency of recipients of program beneficiaries; increased homeownership rates; and, reduction of drug-related crime or health related hazards.

VI. Application Submission Requirements

(A) Demographic Data

You may submit data that are unpublished and not generally available in order to meet the requirements of this section. You must certify that:

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

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

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

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

(B) Publication of Community Development Statement

You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 1003.604.

(C) Application Submission

Your application must contain the items listed below. You must also include the forms, standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding and can be found in Appendix B to the General Section of the SuperNOFA. Those forms listed in that Appendix that are applicable to this funding are as follows:

(1) Standard Form for Application for Federal Assistance (SF–424)
(2) Federal Assistance Funding Matrix and Certifications (HUD–424M)
(3) Drug-Free Workplace Certification (HUD–50070).
(4) Applicant/Recipient Disclosure/Update Report (HUD–2880).
(5) Certification Regarding Debarment and Suspension (HUD–2992).
(6) Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990), if applicable;
(7) Acknowledgement of Application Receipt (HUD–2993).
(8) Client Comments and Suggestions (HUD–2994), optional.

In addition, if the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf.

The other required items are as follows:

(1) Community Development Statement that includes:

(a) Components that address the general threshold requirement and the relevant project specific thresholds and rating factors;

(b) A schedule for implementing the project (form HUD–4125, Implementation Schedule); and

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

(2) Certifications (form HUD 4126);

(3) A map showing project location, if appropriate;

(4) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(5) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(6) If applicable, the demographic data certification described in Section VI(A) and V(J), Rating Factor 2 of this NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation must

include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

VIII. Applicant Debriefing

Please refer to Section VII (E)(2) of the General Section of this SuperNOFA.

IX. Error and Appeals

Judgments made within the provisions of this NOFA and the program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the ONAPs within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the ONAPs may fund that project in the next funding round without further competition.

Appendix A

The non-standard forms, which follow, are required for your ICDBG application.

BILLING CODE 4210–32–P

APPENDIX A

Cost Summary

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 5/31/2003)

See Instructions and Public Reporting Statement on back.

1. Name of Applicant (as shown in Item 5, Standard Form 424)

2. Application/Grant Number (to be assigned by HUD upon submission)

3. ☐ Original (check here if this is the first submission to HUD) ☐ Revision (check here if submitted with implementation schedule as part of pre-award requirements) ☐ Amendment (check here if submitted after HUD approval of grant)

Date (mm/dd/yyyy)

4. Project Name & Project Category (see instructions on back) a	Program Funds (in thousands of $) ICDBG Amount Requested for each activity b	Other: Other Source Amount for each activity c	Other: Source of Other Funds for each activity d
	$	$	
5. Administration a. General Management and Oversight			
b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.			
c. Audit: Enter estimated cost of Program share of A-133 audits.			
Administration Total *			
6. **Planning** The Project description must address the proposed use of these funds.			
7. **Technical Assistance** Enter total amount of ICDBG funds requested for technical assistance. **			
8. **Sub Total** Enter totals of columns b. and c.	$	$	
9. **Grand Total** Enter sum of column b. plus column c.			$

* The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

** No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item, a separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 4.
Project Name and Project Type

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.
Examples of categories and/or components including examples of eligible activities are listed below.

Housing

Rehabilitation Component
- Rehabilitation
- Demolition

Land to Support New Housing Component

New Housing Construction Component

Community Facilitites

Infrastructure Component
- Water
- Sewer
- Roads and Streets
- Storm Sewers

Buildings Component
- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

Economic Development
- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development

Implementation Schedule

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 5/31/2003)

See Instructions and Public Reporting Statement on back.
Submit a separate implementation schedule for each project category.

1. Name of Applicant (as shown in Item 5, Standard Form 424)	2. Application/Grant Number (to be assigned by HUD)	3. ☐ Original (First submission to HUD) ☐ Pre-Award Submission ☐ Amendment (submitted after grant approval)	Date (mm/dd/yyyy)

4. Name of Project (as shown on form HUD-4123, Item 4)	5. Effective Date (mm/dd/yyyy)	Expected Completion Date (mm/dd/yyyy)	Expected Closeout Date (mm/dd/yyyy)

6. Environmental Review Status

☐ **Exempt** (As described in 24 CFR 58.34) ☐ **Under Review** (Review underway; findings not yet made) ☐ **Finding of No Significant Impact** (Finding made that request for release of funds for project is not an action which may significantly affect the environment.)

☐ **EIS Required** (Finding that project may significantly affect environment or EIS automatically required by 24 CFR 58.37) ☐ **Not Started** (Review not yet begun) ☐ **Certification** (Environmental review completed; certification and request for release of funds being prepared for submission.) ☐ **Categorically Excluded** (as described in 24 CFR 58.35)

7. Tribal Fiscal Year (mm/dd/yyyy)

8. Task List (List tasks such as environmental assessment, acquisition, etc.)	9. Schedule. Use Calendar Year (CY) quarters. Fill-in the CY below. See detailed instructions on back.								
	CY ____ 1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	5th Qtr.	6th Qtr.	CY ____ 7th Qtr.	8th Qtr.	Date (mm/dd/yyyy) (If exceeds 8th Quarter)
10. **Planned Drawdowns by Quarter** (Enter amounts non-cumulatively)	$	$	$	$	$	$	$	$	$Total
11. **Cumulative Drawdown** (If more than one page, enter total on last page only)	$	$	$	$	$	$	$	$	$Total

Previous editions are obsolete

form HUD-4125 (12/97)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0191), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 9 Schedule: Use Calendar Year (CY) quarters. Fill-in the CY below. If the project begins in May, for example, enter under "1st Qtr.", A(April), M(May), J(June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line from the first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.

Certifications

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191 (exp. 5/31/2003)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

The grantee hereby certifies and assures that it will comply with the regulations, guidelines, and requirements with respect to the acceptance and use of Federal funds for this Federally-assisted program. Also, the grantee gives assurances and certifies with respect to the grant that:

A. It possesses the legal authority to apply for the grant and execute the proposed program.

B. The governing body has duly authorized the filing of the application, including all understandings and assurances contained in the application and has directed and authorized the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

C. It will comply with the HUD general administration requirements in 24 CFR Part 85.

D. It will comply with the requirements of Title II of Public Law 90-284 (25 USC 1301) (the Indian Civil Rights Act).

E. It will comply with the Indian preference provisions required in 24 CFR 1003.510.

F. It will establish written safeguards to prevent employees from using positions funded under the ICDBG programs for a purpose that is, or gives the appearance of being, motivated by private gain for themselves, their immediate family or business associates. Nothing in this certification should be construed as to limit employees from benefiting from program activities for which they would otherwise be eligible.

G. It will give HUD and the Comptroller General access and right to examine all books, records, papers, or documents related to the grant for a period of not less than three years after program completion or until resolution of any final audit findings.

H. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.

I. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of 24 CFR 1003.602.

J. The chief executive officer or other official of the applicant approved by HUD:

1. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605.

2. Is authorized and consents on behalf of the applicant and him/her self to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of incapacity to accept the responsibilities of the Federal government for purposes of complying with the environmental review requirements of 24 CFR part 58 pursuant to 24 CFR 1003.605 need not include the provision of paragraph J in their assurance.

K. It will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 USC. 450e(b)).

L. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub.L. 102-522).

M. It will provide the drug-free workplace required by 24 CFR part 24, subpart F.

N. It will comply with 24 CFR, part 4, subpart A, showing full disclosure of all benefits of the project as collected by Form HUD-2880, Applicant/Recipient Disclosure Report.

O. Prior to submission of its application to HUD, the grantee has met the citizen participation requirements which includes following traditional means of member involvement, as required in 24 CFR 1003.604.

P. It will administer and enforce the labor standard requirements prescribed in 24 CFR 1003.603.

Q. The Program has been developed so that not less than 70 percent of the funds received under this grant will be used for activities that benefit low- and moderate-income persons.

Note: Applicants receiving Imminent Threat Grants need not include the provision of this paragraph in their assurance

Name (type or print)	Title
Signature	Date (mm/dd/yyyy)

Previous editions are obsolete

form HUD-4126 (12/98)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY OUTREACH PARTNERSHIP CENTERS (COPC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY OUTREACH PARTNERSHIP CENTERS PROGRAM (COPC)

PROGRAM OVERVIEW

Purpose of the Program. To provide funds to community colleges, four-year colleges, and universities to establish and operate Community Outreach Partnership Centers (COPCs) to address the problems of urban areas.

Available Funds. Approximately $7.5 million as appropriated in the FY 2002 VA–HUD appropriation act.

Eligible Applicants. Public and private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Application Deadline. June 20, 2002

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002, at HUD Headquarters.

Address for Submitting Applications. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FED EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not serve your area, you should submit your application via the United States Postal Service.

For Application Kits. For an application kit and supplemental material you should call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to COPC and provide your name, address (including zip code), and telephone number (including area code). You may also download the application kit on the Internet through the HUD Web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Armand W. Carriere of HUD's Office of University Partnerships at (202) 708–3061, ext. 3181. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also reach Mr. Carriere via the Internet at Armand_W._Carriere@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

Up to $7.5 million has been allocated to fund grants under the program. This year, HUD will award two kinds of grants—(A) New Grants to applicants who have never received a COPC grant before to undertake eligible work and (B) New Directions Grants to fund previous COPC recipients (as identified in Section III.(B) below) to undertake new directions in their activities. HUD will use up to $6.1 million to fund approximately 16 New Grants and up to $1.4 million to fund approximately 7 New Directions Grants.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The main purpose of this COPC Program is to assist in establishing or carrying out outreach and applied research activities addressing the problems of urban areas. But HUD also looks to the program to encourage structural change, both within an institution of higher education and in the way the institution relates to its neighbors. Funding under this program is used to establish and operate local Community Outreach Partnership Centers (COPC). The five key concepts that your COPC Program should include are:

(1) Outreach, technical assistance, and applied research should be provided to neighborhoods and neighborhood-based organizations based on what the residents decide is needed, rather than what the institution concludes is appropriate for that neighborhood;

(2) Community-based organizations and residents should be empowered by the project and be your partners throughout the life of the project and beyond, from planning to implementation to activities beyond the grant;

(3) Your applied research should be related to the outreach activities and be used to influence your activities within the grant period or shortly after it ends. HUD will not fund research without practical application;

(4) The assistance you provide should be primarily by faculty, students, or to a limited extent, by neighborhood residents or community-based organizations funded by the university; and

(5) Your program should be part of your institution's broader effort to meet its urban mission, and be supported by its senior officials, rather than just the work of a few faculty members. Your proposed activities should not duplicate those of other entities in the community and should be appropriate for an institution of higher education to undertake in light of its teaching, and research, and service missions.

(B) *Eligible Applicants.* Eligible applicants for both New Grants and New Directions Grants are public or private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

For New Grants, only applicants that have never previously received a New Grant, a New Directions Grant, or an Institutionalization Grant are eligible. Institutions that participated in a COPC grant as a member of a consortium of colleges or universities will be eligible to apply for a New Grant if they received 25% or less of the earlier grant. For New Directions Grants, applicants must meet the following requirements: you must have received a New Grant in FY 1994, 1995, 1996, 1997, 1998 or 1999; you must never have received a New Directions Grant; and you must have drawn down (i.e., requests for reimbursement have been processed), by the application due date, at least 75% of the funds you received from any previous COPC award. Joint Community Development Program grantees are not eligible for either kind of funding, nor are FY 2000 and 2001 COPC Grantees.

Consortia of eligible institutions may apply, as long as one institution is designated the lead applicant. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed staffing, and in order to fund as many eligible applicants as possible, HUD has determined that you may be part of only one consortium or submit only one application or the application will be disqualified. HUD will hold you responsible for ensuring that neither you nor any part of your institution, including specific faculty, participate in more than one application. For New Directions Grants, if you originally received funding as a consortium, you are not required to submit again with all the consortium members. Members of a previously approved consortium may submit on their own or as part of their old consortium. However, as with New Grants, only one application from an institution will be permitted.

Different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding. Such campuses are eligible as separate applicants only if they have administrative and budgeting structures independent of other campuses in the system.

(C) *Eligible Activities.* Your COPC Program must combine research with outreach, work with communities and local governments and address the multidimensional problems that beset urban areas. To meet the threshold requirements, your New Grant application must be multifaceted and address three or more urban problems and you must propose at least one distinct activity to address each separate urban problem. Urban problems include issues related to housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, the environment, community organizing, and other areas deemed appropriate by the Secretary. Single purpose applications are not eligible. For example, if you propose to undertake health education for elementary school children, organizing around health issues, and job readiness for the health professions, HUD will deem your application as single purpose, because it really only addresses the problem of health care. Likewise, if you propose to address housing, economic development, and health care problems by developing a Geographic Information System, your application would also be considered single purpose because it does not propose separate and distinct activities for each of the problems you address. As examples of eligible projects, if you propose a health care project for the elderly, a job training program on construction trades for high school seniors, and an affordable housing fair, you would meet the test of addressing three urban problems, each with a separate activity. Alternatively, if you propose a Geographic Information System to identify economic development potential, an oral history of the neighborhood, and the creation of block watches, you would also meet the test. These are just examples. For more information about the projects that have actually been funded under the program, you should look at the Office of University Partnerships' web site at www.oup.org. If you are applying for a New Directions Grant, you will only be required to address two urban problems and undertake at least one activity for each of these problems.

The statute creating COPC is very specific that the programs address the problems of urban areas. HUD uses the Census definition of an urban area: a single geographic place (e.g., a city, town, or village, but not a county) with a population of 2,500 or more. You cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement.

Funded research must have a clear near-term potential for solving specific, significant urban problems. You must have the capacity to apply your research results and to work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to specific real-life urban problems.

While the list of eligible and ineligible activities is the same for both New Grant applicants and New Directions Grant applicants, New Directions Grant applicants must demonstrate that the proposed activities either implement new eligible projects in the current target neighborhood(s) or implement eligible projects in a new target neighborhood(s). New Directions applicants will be required to specifically describe how the activities described in the New Directions application differ from the activities described in the original COPC application.

Eligible activities include:

(1) Research activities that have practical application for solving specific problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities. In order to ensure that the primary focus of your project is on outreach, research may not total more than one-quarter of the total project costs contained in any grant made under this COPC funding announcement (including the required 50% match).

(2) Outreach, technical assistance and information exchange activities which are designed to address specific urban problems in designated communities and neighborhoods. Such activities must total no less than three-quarters of your total project costs (including the required 25% match). Examples of outreach activities include, but are not limited to:

(a) Assistance to communities to improve consolidated housing and community development plans and eliminate impediments to the design and implementation of such plans;

(b) Design of community or metropolitan strategies to resolve urban problems of communities and neighborhoods;

(c) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to assist them in resolving local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(d) Technical assistance in business start-up activities for low- and moderate-income individuals and organizations, including business start-up training and technical expertise and assistance, mentor programs, assistance in developing small loan funds, business incubators, etc;

(e) Technical assistance to local public housing authorities on welfare-to-work initiatives and physical transformations of public or assisted

housing, including development of accessible and visitable housing;

(f) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training;

(g) Assistance to communities to design ways to use HUD's Partnership for Advancing Technology in Housing (PATH) technology such as analyzing building codes and building materials or designing new building systems. (Remember that actual physical development activities are not eligible under COPC.) For more information, see the General Section of the SuperNOFA or visit the website at www.pathnet.org;

(h) Assistance to communities to improve their fair housing planning process; and

(i) Regional projects that maximize the interaction of targeted inner city distressed neighborhoods with suburban job opportunities similar to HUD's Bridges-to-Work or Moving to Opportunity programs. (For more information see www.HUDUSER.org).

(3) Funds for faculty development including paying for course time or summer support to enable faculty members to work on the COPC.

(4) Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while they are working on the COPC.

(5) Activities to carry out the ''Responsibilities'' listed under Section IV (B) below. These activities may include leases for office space in which to house the Community Outreach Partnership Center, under the following conditions:

(a) The lease must be for existing facilities not requiring rehabilitation or construction;

(b) No repairs or renovations of the property may be undertaken with Federal funds; and

(c) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

(6) Components of your program may address metropolitan or regional strategies. You must clearly demonstrate how:

(a) Your strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(b) Neighborhoods and neighborhood organizations are involved in the development and implementation of the metropolitan or regional strategies.

(D) *Ineligible Activities.* Activities ineligible for funding under this program are as follows:

(1) Research activities that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods.

(2) Any type of construction, rehabilitation, or other physical development costs.

(3) Costs used for routine operations and day-to-day administration of institutions of higher education, local governments or neighborhood groups.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Grant Sizes and Terms.* If you are applying for a New Grant, you may not request less than $250,000 or more than $400,000. This amount must be spent over a three-year period, and your budget must reflect this period. Since the Statement of Work (in Section VI.(G)) and the Narrative Statement Addressing the Factors for Award (in Section VI.(H)) are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Grant application that is under $250,000 or over $400,000.

If you are applying for a New Directions Grant, you may not request a grant that exceeds $150,000. This amount must be spent over a two-year period. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Directions application that is over $150,000.

(B) *Responsibilities.* You are required to:

(1) Employ the research and outreach resources of your institution of higher education to solve specific urban problems identified by communities served by your Center;

(2) Establish outreach activities in areas identified in your application as the communities to be served;

(3) Establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

(4) Coordinate outreach activities in communities to be served by your Center;

(5) Facilitate public service projects in the communities served by your Center;

(6) Act as a clearinghouse for dissemination of information;

(7) Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate; and

(8) Exchange information with other Centers.

The clearinghouse function in Section IV(B)(6) above refers to a local or regional clearinghouse for dissemination of information and is separate and distinct from the functions in (8) above, which relate to the provision of information to the University Partnerships Clearinghouse, which is the national clearinghouse for the program.

(C) *Cap on Research Costs.* No more than 25% of your total project costs (Federal share plus match) can be spent on research activities. You are, however, not required to undertake any research as part of your project. You may apply for a project that is totally for outreach activities.

(D) *Match.* The non-Federal share may include cash or the value of non-cash contributions, equipment and other allowable in-kind contributions as detailed in 24 CFR part 84, and in particular § 84.23 entitled ''cost sharing or matching.'' You may not count as match any costs that would be ineligible for funding under the program (e.g., housing rehabilitation).

(1) If you are a New Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 50% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 25% of the total project costs of establishing and operating outreach activities.

(2) If you are a New Directions Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 60% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 35% of the total project costs of establishing and operating outreach activities.

In previous competitions, some applicants incorrectly based their match calculations on the Federal grant amount, not the total project costs. An example of how you should calculate the match correctly and a worksheet for the calculation are included in the application kit. The worksheet, which is also included in the program area section of the SuperNOFA, should be included with your application.

(E) *Administrative.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations), A–21 (Cost Principles

for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. You may not spend more than 20% of your grant on planning or administrative costs. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http:whitehouse.gov/omb/circulars/index.html.

V. Application Selection Process

There will be two separate competitions—one for New Grants and one for New Directions Grants. For each type of grant, applications will be rated, ranked, and selected separately. Two types of reviews will be conducted: a threshold review to determine your application's eligibility; and a technical review to rate your application based on the rating factors in Section V(A) below.

(A) *Additional Threshold Requirements For Funding Consideration.* Under the threshold review, your application can only be rated if you are both in compliance with the requirements of the General Section of the SuperNOFA and if the following additional standards are met:

(1) You have met the statutory match requirements, if applying for a New Grant or the higher match levels described above, if applying for a New Directions Grant.

(2) You have proposed a program in which at least 75% of the total project costs will be for outreach activities.

(3) For New Grants, you have requested a Federal grant between $250,000 and $400,000. For New Directions Grants, you have requested a Federal grant that is no more than $150,000.

(4) You have addressed at least three urban problems (2 urban problems if you are a New Directions applicant), such as affordable housing, fair housing, economic development, neighborhood revitalization, infrastructure, health care; job training, education, crime prevention, planning, the environment, and community organizing and have proposed at least one separate and distinct activity for each problem you propose to address.

(5) You and any part of your organization are participating in only one application.

(6) Your project will operate in an urban area.

(B) *Factors For Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. Unless otherwise noted, New Grant applications and New Directions Grant applications will receive the same number of points on a given factor.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *For New Grants* (15 points). *For New Direction Grants* (7 points).

(a) The knowledge and experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(i) Undertaking research activities in specific communities that have a clear near-term potential for practical application to significant urban issues, such as affordable housing, fair housing including accessible and visitable housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing;

(ii) Undertaking outreach activities in specific communities to solve or ameliorate significant urban issues;

(iii) Undertaking projects with community-based organizations or local governments; and

(iv) Providing leadership in solving community problems and making national contributions to solving long-term and immediate urban problems.

(b) Past Performance. *For New Directions Grants only* (8 points). The extent to which you performed successfully under your previous COPC grant(s), as measured by:

(i) Your achievement of specific measurable outcome objectives;

(ii) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(iii) The effectiveness of your administration of any previous COPC grants (including the timeliness and completeness of your compliance with COPC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(c) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and your indication of the urgency of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activity and the urgency in meeting the need.

You should use statistics and analyses contained in a data source(s) that is sound and reliable. To the extent that the targeted community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response.

If the proposed activity is not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, and other sound and reliable sources appropriate for your program. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor. The factor will be evaluated based on the extent to which the proposed work plan will:

(1) (10 points). Identify the specific services or activities to be performed. Note that you are not required to undertake research as part of the grant. In reviewing this subfactor, HUD will consider the extent to which:

(a) There is a clear research agenda;

(i) With identifiable research projects and outcomes (e.g., reports, surveys, etc.)

(ii) That identifies each task and who will be responsible for it;

(iii) Which is tied to the outreach agenda (e.g., if you proposed to study the extent of housing abandonment in a neighborhood and then design a plan for reusing this housing, you would be able to demonstrate the link between your proposed research and outreach strategies); and

(iv) Which does not duplicate research by your institution or by others for the target area previously completed or currently underway. If other complimentary research is underway, you need to describe how the proposed research agenda would complement it.

(b) There is a clear outreach agenda:

(i) With identifiable outreach projects;

(ii) That identifies each task and who will be responsible for it;

(iii) That involves your institution as a whole (i.e., many academic disciplines and administrative offices);

(iv) That provides for on-site or frequent presence in the target area; and

(v) That does not duplicate outreach activities by your institution or others for the target area previously completed or currently underway.

(2) (7 points). Involve the communities to be served in a partnership for the planning and implementation of your activities. In reviewing this subfactor, HUD will look at the extent to which:

(a) You have formed or will form one or more Community Advisory Committees, representative of the communities' diversity (including businesses, community groups, residents, and others) to be served to develop and implement strategies to address the needs identified in Factor 2. You will be expected to demonstrate that you have already formed such a committee(s) or secured the commitment of the appropriate persons to serve on the committee(s), rather than just describing generally the types of people whose involvement you will seek.

(b) You have involved a wide range of neighborhood organizations and local government entities in the identification of your research and outreach activities.

(c) The committee and your partners will play an active role in all stages of the project and will not serve as merely advisors or monitors.

(d) Your outreach agenda includes training projects for local community leaders, for example, to increase their capacity to direct their organizations or undertake various kinds of community development projects.

(3) (6 points). Help solve or address an urgent problem as identified in Rating Factor 2 and will achieve the purposes of the program within the grant period. In reviewing this subfactor, HUD will look at the extent to which:

(a) You identify specific time phased and measurable objectives to be accomplished; your proposed short and long term program objectives to be achieved as a result of the proposed activities; the tangible and measurable impacts your work program will have on the community in general and the target area or population in particular including affirmatively furthering fair housing for classes protected under the Fair Housing Act; and the relationship of your proposed activities to other ongoing or proposed efforts to improve the economic, social or living environment in the impact area; and

(b) Grant funds will pay for activities you conduct directly, rather than passing funds through to other entities (In order for your application to be competitive, no more than 25 percent of your grant funds should be passed to other entities); and

(c) The activities you propose to undertake are pressing and urgent needs, as identified in the documents described in Factor 2.

(4) (4 points). Potentially yield innovative strategies or ''best practices'' that can be replicated and disseminated to other organizations, including nonprofit organizations, State and local governments. In reviewing this subfactor, HUD will assess your demonstrated ability to disseminate results of research and outreach activities to other COPCs and communities. HUD will evaluate your past experience and the scope and quality of your plan to disseminate information on COPC results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, publications, etc. The more proactive your plan for providing information to a wide range of audiences, the greater the number of points you will receive.

(5) (5 points) Include activities that affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale of rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fir housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

(6) HUD 2002 Policy Priorities (6 Points)

The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities (described below) will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 6 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA.

(a) Increasing Homeownership Opportunities for Low and Moderate Income persons, Persons with Disabilities and the Elderly, and Minorities and families where English may be a second language.

(b) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(c) Encouraging Accessible Design Features.

(d) Improving Computer Access, Literacy, and Employment Opportunities.

(e) Providing Full and Equal Access to Faith-Based and Other Community Organizations in HUD Program Implementation.

(f) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(g) In addition to the HUD policy priorities, the following is a program priority: Using PATH Technologies in Housing Construction and Rehabilitation. HUD encourages participation in Partnership for Advancing Technology in Housing (PATH) for programs that intend to use funding for construction or rehabilitation. PATH's goal is to achieve dramatic improvement in the quality of

American housing by the year 2010. PATH encourages leaders from the home building, product manufacturing, insurance and financial industries and representatives from federal agencies dealing with housing issues to work together to spur housing design and construction innovations, particularly those innovations that make housing more affordable to low and moderate income persons and which are energy efficient. PATH has a FY 2002 budget of $8.75 million.

PATH will provide technical support in design and cost analysis of advanced technologies to be incorporated in project construction. Applicants should see *www.pathnet.org* on the Internet for more information, the list of technologies, latest PATH Newsletter, results from field demonstrations and PATH projects. Applicants are encouraged to employ PATH technologies to exceed prevailing national building practices by: Reducing costs; improving durability; increasing energy efficiency; improving disaster resistance, and reducing environmental impact.

(7) *For New Grants* (12 points): *For New Directions Grants* (7 points). Result in the COPC function and activities becoming part of the urban mission of your institution and being funded in the future by sources other than HUD. The bases for rating an application for this selection factor will be different, depending on whether the application is for a New Grant or a New Directions Grant.

In reviewing this subfactor for a New Grant, HUD will consider the extent to which:

(a) COPC activities relate to your institution's urban mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these activities through promotion and tenure policies; benefit students because they are part of a service learning program or professional training at your institution (rather than just volunteer activities); and are reflected in your curriculum. HUD will look at your institution's commitment to faculty and staff continuing work in COPC neighborhoods or replicating successes in other neighborhoods and to your longer term commitment (e.g., five years after the start of the COPC) of hard dollars to COPC work. HUD will consider the extent to which your proposed activities are appropriate for an institution of higher education because they are tied to your institution's teaching or research mission. In addition, HUD will consider the extent to which your faculty, staff and students from across many disciplines are involved in COPC-like activities as a way of demonstrating your institution's commitment to these kinds of activities.

(b) You have received commitments for funding from sources outside the university for related COPC-like projects and activities in the targeted neighborhood or other distressed neighborhoods. Funding sources to be considered include, but are not limited to, local governments, neighborhood organizations, private businesses, your institution, and foundations.

In reviewing this subfactor for a New Directions Grant, HUD will consider the extent to which your New Directions project will sustain the institutional capacity and commitment of your institution to undertake outreach activities. HUD will be looking for increases in the number of faculty undertaking this kind of work, increases in the number of courses linked to outreach activities and the number of students taking these courses, formal changes in institutional policies related to support of outreach, and other measures of the impact of this work on your institution.

(8) *For New Direction Grants only* (5 points). Previous grantees have a wealth of knowledge that they can and should share with other institutions. If you send a faculty member of your team who has been listed in your application to participate in the peer review process for New Grants, you will receive 5 points.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses the ability of the applicant to secure community resources which can be combined with HUD's program resources to achieve program purposes. This factor measures the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships with you. You may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. In evaluating this factor, HUD will allocate points as follows:

(1) Five (5) points will be awarded for a match that is 50% over the required match, as described in Section IV(D) above. Fewer points will be assigned depending on the extent of the match. Matching funds must be provided unconditionally in order to be counted for this factor.

HUD is concerned that applicants should be providing hard dollars as part of their matching contributions to enhance the tangible resources going into targeted neighborhoods. Thus, while indirect costs can count towards meeting the required match, they will not be used in calculating match overage. Only direct costs can count in this factor.

(2) Up to an additional 5 points will be awarded for the extent to which you document that matching funds are provided from eligible sources other than your institution (e.g., funds from the city, including CDBG, other State or local government agencies, public or private organizations, or foundations). Fewer points will be assigned depending on the extent of the outside match.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitment, memoranda of understanding, or agreements to participate from any entity, including your own institution, that will be providing matching funds to the project. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization. Unless matching funds are accompanied by a commitment letter citing the specific dollar amount pledged, they will not be counted towards the match.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (Maximum 10 points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the

community. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3). If you are working in a CDBG non-entitlement area, please note that at the beginning of the discussion of this factor.

In evaluating this factor, HUD will consider:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed worked activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities; housing choices or improved living environments;

(3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(4) Institutionalization of Project Activities. HUD will also consider the extent to which your project will result in the kinds of activities that will be sustained by the university by becoming part of the mission of the institution. HUD will also look at the university's monetary commitment to continuing to work in the target area or other similar areas and to its longer term commitment of hard dollars to similar work.

(C) *Selections.* In order to be funded under COPC, you must receive a minimum score of 70. HUD intends to fund at least one eligible applicant that serves colonias, as defined by section 916(d) of the Cranston-Gonzalez National Affordable Housing Act, as long as the applicant receives a minimum score of 70. HUD will select the highest ranking colonias application from among the rated colonias applications.

If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging Resources shall be selected.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded COPCs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable COPC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all applications have been rated and ranked and selections have been made, HUD may require you, if you are selected, to participate in negotiations to determine the specific terms of your Statement of Work and grant budget. In cases where HUD cannot successfully conclude negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please, do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard'' forms can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official delegation of signatory authority;

(E) *Abstract.* (1 page limit) An abstract describing the goals and activities of your program.

(F) *Narrative statement addressing the Factors for Award in Section V(B).* (50 page limit, including letters of commitment, tables and maps, but not including letters of matching commitments, the match calculation worksheet, and budget forms). (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2002 the statement of work and the budget are now a part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. Following an activity and tasks under each activity format, your Statement of Work must:

(a) Arrange the presentation of related major activities by project functional category (e.g., economic development, affordable housing, capacity building), summarize each activity, identify the primary persons involved in carrying out the activity, and delineate the major tasks involved in carrying it out.

(b) Indicate the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously.

(c) Identify specific numbers of quantifiable intermediate and end products and objectives you will deliver by the end of the award agreement period as a result of the work performed.

(d) Identify whether you propose to work in a Community Development Block Grant (CDBG) entitlement area or not.

(2) Your budget presentation should be consistent with your Statement of Work and include:

(a) Budget Form—The budget form (Form HUD–424–CB) should be used to prepare the budget.

(b) A narrative explanation of how you arrived at your cost estimates, for any line item over $5,000.

(c) A statement of your compliance with the 20% limitation on ''Planning and Administration'' Costs.

(d) An explanation of your compliance with the requirement that not more than 25% of the total budget be allocated to research activities (Form HUD–30002).

(3) Your narrative response should be numbered in accordance with each factor and subfactor.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);
(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;
(5) HUD–50070, Certification of Drug-Free Workplace;
(6) HUD–2992, Certification Regarding Debarment and Suspension;
(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and
(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestions (HUD–2994).* If you wish to offer comments on the COPC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

IX. Other Items

(1) *Executive Order 12372. Intergovernmental Review of Federal Programs.* You must comply with this Executive Order. Please refer to the General Section VII(C) for details.

(2) *Conducting Business in Accordance with Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II(B)(2)) of the General Section of this SuperNOFA as a condition of award.

(3) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere Office of University Partnerships at (202) 708–3061, ext. 3181. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also reach Mr. Carriere via the Internet at Armand_W._Carriere@hud.gov. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

IX. Authority

This program is authorized under the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note; the ''COPC Act''). The COPC Act is contained in section 851 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (HCD Act of 1992). Section 801(c) of the HCD Act of 1992 authorized $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The FY 2002 HUD Appropriations Act (P.L. 107–73) continued the program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY 2002.

Appendix A

The non-standard forms, which follow, are required for your COPC application.

BILLING CODE 4210–32–P

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form **HUD-30001** (4/98)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.
Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).
The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Community Outreach
Partnership Centers Program

Breakdown of Outreach and Research Activities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.

Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).

The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

	Total Cost $	Percent of Total Project Cost
Total Research Activities		%
Total Outreach Activities		%
Total		

Community Outreach Partnership Centers Program

Budget (Applicant should duplicate this first page as necessary)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. (2/28/2003)

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of First Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the COPC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30003** (11/1999)

Community Outreach Partnership Centers Program

Budget

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Total of all Categories								

form **HUD-30003** (11/1999)

Verification of Match for New Grants

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 9999-9999 (exp. 99/99/9999)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

_____	+	_____	=	_____
(Grant request for Research)		(Match for Research)		(Research Total Project Costs)

Research match should be:

_____	X	50%	=	_____
(Research Total Project Costs)				(Required Research Match)

B. Outreach Total Project Costs::

_____	+	_____	=	_____
(Grant request for Outreach)		(Match for Outreach)		(Outreach Total Project Costs)

Outreach match should be:

_____	X	25%	=	_____
(Outreach Total Project Costs)				(Required Outreach Match)

C. Required Total Match:

_____	+	_____	=	_____
(Required Research Match-from 1.A.)		(Required Outreach Match-from 1.B.)		(Required Total Match)

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3)= _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

Verification of Match for New Directions Grants

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 9999-9999 (exp. 99/99/9999)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

(Grant request for Research)	+	(Match for Research)	=	(Research Total Project Costs)
_____	+	_____	=	_____

Research match should be:

(Research Total Project Costs)	X	60%	=	(Required Research Match)
_____	X	60%	=	_____

B. Outreach Total Project Costs::

(Grant request for Outreach)	+	(Match for Outreach)	=	(Outreach Total Project Costs)
_____	+	_____	=	_____

Outreach match should be:

(Outreach Total Project Costs)	X	35%	=	(Required Outreach Match)
_____	X	35%	=	_____

C. Required Total Match:

(Required Research Match-from 1.A.)	+	(Required Outreach Match-from 1.B.)	=	(Required Total Match)
_____	+	_____	=	_____

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3)= _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street, SW, Room 7251
Washington, DC 20410-3500
ATTN: (fill in appropriate program name)

Re: HUD Notice of Funding Availability, FR- , for (fill in appropriate program name)

To Whom It May Concern:

If this proposal is funded, (provider name) commits $(amount) (or) (type of in-kind contribution) valued at $(amount) to (applicant name) for (type of activity) to be made available for recipients of the program. These funds will be made available on (date) for the following grant activity(ies): _____

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low and moderate income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

Available Funds. Approximately $10.5 million.

Eligible Applicants. Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program.

Application Deadline. June 20, 2002.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the HBCU program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002 at HUD Headquarters with a copy to the appropriate HUD CPD Field Office.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), Fed EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 a.m. and 5:30 p.m. Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of one original and two copies of your application. Submit your original signed application and one of the two copies to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7251, Washington, DC, 20410. When submitting your application, please refer to the HBCU Program, and include your name, mailing address (including zip code) and telephone number (including area code).

Copies of Applications to HUD Field Offices. To facilitate processing and review of your application, submit one copy (the second copy) to the Community Planning and Development (CPD) Director in the appropriate HUD Field Office for the HBCU by 5:30 p.m. Eastern Time on June 20, 2002. The list of HUD Field Offices with CPD Directors is included in Appendix A to this program section of the SuperNOFA.

HUD will accept only *one* application per HBCU. If HUD receives more than one application from a single HBCU, HUD will ask the HBCU to identify which application it wants evaluated. If the HBCU does not respond within the stipulated period (see Section V of the General Section of this SuperNOFA), all of the applications received from the HBCU will be disqualified. You should take this policy into account to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental materials, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, you should refer to the HBCU Program and provide your name, address (including zip code), and telephone number (including area code). You may also download the application on the Internet through the HUD web site *at http://www.hud.gov.*

For Further Information and Technical Assistance. You may contact Ophelia Wilson, Historically Black Colleges and Universities Program, Office of University Partnerships, Policy Development and Research, Department of Housing and Urban Development, 451, Seventh St. SW., Washington, DC 20410, telephone (202) 708–3061 ext. 4390. (This is not a toll-free number.) If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also obtain information from the HUD Field Office located in your geographic area. Appendix A of this program section of the SuperNOFA contains the names, addresses and telephone numbers of the HUD Field Offices. For general information and information regarding training on this HBCU Program section of the SuperNOFA, you can call the SuperNOFA Information Center at 1–800–HUD–8929.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

Approximately $10.5 million is being made available for funding under this program section of the SuperNOFA. Additional funds may be available if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Allocation of Funding.* In order to ensure that some previously unfunded HBCUs will receive awards in this competition, approximately $1.7 million of the available funds will be awarded to HBCUs that have not previously been funded under the HUD HBCU program. Previously unfunded HBCUs are listed in Appendix B of this HBCU Program section of the SuperNOFA.

The remaining approximately $8.8 million of FY 2002 funds will be awarded to HBCUs that have received funding under previous HBCU competitions. Previously funded HBCUs are listed in Appendix C of this HBCU Program section of the SuperNOFA.

If recaptured funds are made available, those funds will also be divided proportionately between the two types of applicant funding pools.

HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in a particular application. The maximum amount awarded to previously unfunded applicants will be up to $340,000 and the maximum amount awarded to previously funded applicants will be up to $550,000. Applicants requesting more than the maximum amount will be disqualified.

(B) *Term of Grant.* The maximum period for performance of your proposed program under this SuperNOFA for the HBCU Program is 36 months. The performance period will commence on the effective date of your grant agreement.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The HBCU Program assists HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

(1) For the purposes of this program, the term ''locality'' includes any city, county, town, township, parish, village, or other general political subdivision of a State or the U.S. Virgin Islands within which an HBCU is located.

(2) If your HBCU is located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, you may consider your locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may differ, therefore, depending on its location.

(3) A ''target area'' is the locality or the area within the locality in which your HBCU will implement its proposed HUD grant activities.

(B) *Eligible Applicants.* Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program. Applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant (CDBG) Program national objective AND the CDBG eligibility requirements. Eligible activities that may be funded under the HBCU Program are those activities eligible for CDBG funding. The eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Additionally, not less than 51% of the aggregated expenditures of a grant must benefit low and moderate income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6). Each activity that may be funded under this SuperNOFA for the HBCU Program must meet one of the three national objectives of the Community Development Block Grant program which are:

(a) Benefit to low- or moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and encouraging accessible design features in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(d) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

If you are proposing to undertake any of the activities listed in (a) through (d), you will be required to provide at least two reasonable appraisals/estimates, from a *qualified* entity other than the HBCU, of the cost to complete the activities. This information is to be submitted with your application. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management;

(e) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is:

(i) Required under the provisions of 24 CFR 570.606(b) or (c); or

(ii) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(f) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(g) Special economic development activities described at 24 CFR 570.203;

(h) Assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(i) Assistance to a CBDO to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local entitlement grantee CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS); and

(j) Eligible public service activities, including but not limited to such activities as those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs. If grant funds are used to provide public services, you are bound by the CDBG statutory requirement that not more than 15% of the total grant amount be used for public service activities that benefit low and moderate income persons. Therefore, you must propose to use at least 85% of the grant amount for activities qualifying under an eligibility category other than public services (as described at 24 CFR 570.201(e)). If you propose an activity which otherwise is eligible it may not be funded if State or local law requires that it be carried out by a governmental entity.

The CDBG Publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the regulations, and a copy can be obtained from HUD's SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 for the hearing impaired.

(k) Fair housing services designed to further the fair housing objectives of the

Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, family status and/or disability aware of the range of housing opportunities available to them; and

(l) Payment of reasonable grant administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with grant funds.

(3) *Activities Designed to Promote Training and Employment Opportunities*. In selecting proposed eligible activities, we urge you to consider undertaking activities designed to promote opportunities for training and employment of low-income residents in connection with HUD initiatives such as ''Twenty/20 Education Communities'' in public housing and ''Neighborhood Networks'' (NN) in other Federally-assisted or insured housing. We also encourage you, whenever feasible, to propose implementing activities in a Federally-designated Urban or Rural (HUD or Department of Agriculture) Empowerment Zone, Urban or Rural Enterprise Community (EZ or EC), or a HUD-approved local CDBG Neighborhood Revitalization Strategy Area or HUD-approved State CDBG Community Revitalization Strategy Area.

(D) *Ineligible CDBG Activities* are listed at § 570.207.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you are subject to the following requirements:

(A) *Institutional Eligibility*. Institutions with two (2) or more active HBCU grants and who have drawn down less than 50% of the funding for each active grant prior to the 2002 application date will be ineligible to apply for a 2002 HBCU grant.

(B) *Leveraging*. Although a match is not required to qualify for funding, applicants that provide letters evidencing a firm commitment from other Federal (e.g., Americorps Programs), State, local, and/or private sources to provide funding, and/or in-kind goods or services to implement the proposed activities will receive points under Rating Factor 4. These letters must be dated no earlier than the date of this published SuperNOFA. If you do not have evidence of leveraging, you will receive zero (0) points for Rating Factor 4.

(C) *Affirmatively Furthering Fair Housing*. Please see Section II(D) of the General Section of this SuperNOFA.

(D) *Employment of Local Area Residents (Section 3)*. Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(E) *Labor Standards*. If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(F) *OMB Circulars*. Your grant will be governed by: (1) OMB Circular A–21 entitled ''Cost Principles for Educational Institutions''; (2) OMB Circular A–133 entitled ''Audits of States, Local Governments, and Non-Profit Organizations''; and (3) the provisions of 24 CFR part 84 entitled ''Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations. You can access the OMB Circulars at the White House website at http://whitehouse.gov/omb/circulars/index.html

(G) *Nondiscrimination*. In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, applicants for the HBCU Program must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR part 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(H) *Conducting Business In Accordance With HUD Core Values and Ethical Standards*. HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II (B)(2) of the General Section of this SuperNOFA as a condition of award.

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses*. HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

(A) *Threshold Factors for Funding Consideration.* HUD will conduct a review to insure that applications are complete and consistent with the threshold requirements of Section II (B), of the General Section of the SuperNOFA, including Compliance with Fair Housing and Civil Rights Laws, this HBCU Program section of the SuperNOFA and the HBCU Program regulations (24 CFR 570.404) before reviewing the application for rating and ranking. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Funding of Applications*. To be considered for funding, your application must receive a minimum score of 70 out of the possible total of 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. Within each category of eligible applicants, HUD will fund applications in rank order, until it has awarded all available funds for that category of applicant, or until there are no fundable applications remaining in that category. If there is a tie in the point scores of two applications, the rank order will be determined by the score on Rating Factor 3, 4, 2, 1, 5 in that order. HUD will give the higher rank to the application with the most points for a factor in the above order.

If funds remain after approving all fundable applications within a category of applicants, HUD may choose to add those funds to the funds available for the other category of applicants.

(C) *After Selection*. After selection, but prior to award, you will be required to:

(a) Negotiate. After HUD has rated and ranked all applications and HUD has selected the competition winners, HUD requires that all winners participate in negotiations to determine the specific terms of the Statement of Work and the final grant budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(b) Provide Financial Management and Audit Information. If you are selected for funding, you will be required to submit a copy of your most recent audit from an Independent Public Accountant, or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by OMB Circular A–133, as codified at 24 CFR part 84 and provides your approved fringe benefit and overhead rates.

(D) *Factors For Award Used To Evaluate and Rate Applications*. HUD will use the Factors For Award set forth below to evaluate applications. Your application must contain sufficient information for HUD to review it for its merits. The score for each factor will be based on the qualitative and quantitative aspects of your response to that factor. You are not to exceed a total of fifty (50) pages to respond to Rating Factor 1 through 5. This limitation applies to your narrative response,

tables, and maps, and NOT to firm commitment letters, and the performance narrative for previously funded HBCUs.

The maximum number of points that may be awarded is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience.* (5 Points for previously funded applicants and 25 Points for previously unfunded applicants). Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants (including technical assistance providers) and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider the extent to which your organization and staff have recent, relevant, and successful experience in:

(a) Undertaking specific successful community development projects with community-based organizations or local governments; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* (20 Points for previously funded applicants). The extent to which you have performed successfully under your previous and current HBCU grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives consistent with timelines in your grant proposal;

(b) Your leveraging of funding consistent with or exceeding the Fund originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous HBCU grants (including the timeliness and completeness of your compliance with HBCU reporting requirements and your ability to take action to resolve problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(d) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

For each open HUD HBCU grant, you must submit a *performance narrative as outlined in Appendix D.*

Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you *document* the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your community's (State or local government's) Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor. If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include, but are not limited to, Census reports, HUD's Continuum of Care gaps analysis and its E-MAPS (www.hud.gov/emaps), law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, community needs analysis such as provided by the United Way, local Urban League, the HBCU and other sound and reliable sources appropriate for the HBCU program. You also may address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where your proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (40 Points). This factor includes your statement of work and budget.

(a) Work Plan Impact (10 Points). Describe how your proposed activities will:

(i) Expand the role of the HBCU in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area. Duplicative efforts will be acceptable, if you are able to demonstrate that there is a population in need that is not being served;

(iv) Involve and empower the citizens of the target area; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and internet technology.

(b) *Specific Services and/or Activities.* (25 Points). Your work plan must incorporate all proposed activities. HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered.

Describe each proposed activity, and the tasks required to implement and complete the activity. If your proposed work activity triggers federal relocation laws, you must comply with the regulations in 24 CFR 570.606 and, 49 CFR part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601–4655).

Also, for each activity, describe:

(i) How it meets a CDBG national objective;

(ii) The sequence, duration, and the products to be delivered in 6 month intervals, up to (36) months. You should indicate which staff member, described in your response to Factor 1, will be responsible and accountable for the deliverables; and

(iii) Measurable objectives to be accomplished, e.g. the number of: persons to be trained and employed; houses to be built (pursuant to 24 CFR 570.207) or rehabilitated; minority owned businesses to be started, etc.

(c) HUD Priorities (5 Points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of five (5) points. For a fuller explanation of each policy priority, please refer to Section VI of the General Section of this SuperNOFA.

(i) Increasing Homeownership Opportunities for Low and Moderate Income Persons, Persons with Disabilities and the Elderly, and Minorities and families where English may be a second language.

(ii) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(iii) Improving Computer Access, Literacy, and Employment Opportunities.

(iv) Providing Full and Equal Access to Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(v) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(vi) Encouraging Accessible Design Features.

(2) *Affirmatively Furthering Fair Housing* (5 Points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fair housing through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing mobility counseling.

In evaluating Rating Factor 3, HUD will consider the extent to which your budget is consistent with the Work Plan and the dollars indicated on the Standard Form (SF) 424. Your budget submission must include:

(i) A budget summary covering the Federal and non-Federal share of the costs proposed by cost category. You should pay particular attention to accurately estimating costs, determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals. Indirect costs must be substantiated and approved by the cognizant Federal agency or you must provide an indirect cost rate plan. The indirect cost rate should be indicated in your budget;

(ii) A budget justification, which should be a narrative statement indicating how you arrived at your costs. When possible, you should use quotes from vendors or historical data. You must support all direct labor and salaries with mandated city/state pay scales or other documentation; and

(iii) A budget-by-activity which includes a listing of tasks to be completed for each activity needed to implement the program, the overall costs for each activity, and the cost for each funding source.

You must submit at least two reasonable appraisals/estimates supplied by *qualified* entities, other than the HBCU, if you are proposing to do any of the following: acquisition of real property; clearance and demolition; rehabilitation of residential, commercial and/or industrial structures; *and/or* acquisition, construction, or installation of public facilities and improvements. You may obtain guidance for securing these estimates from the local HUD's Office of Community Planning and Development.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure resources which can be combined with HUD program funds to implement the proposed activities. Potential Sources of Assistance are:

- Federal, State and local governments
- Housing Authorities
- Local or national nonprofit organizations
- Banks and private businesses
- Foundations
- Faith-based and other community based organizations
- The HBCU

For each match, cash or in-kind contribution to your program, you must submit a letter from the provider on the provider's letterhead. The date of the letter from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. A firm commitment letter should address the following:

- The cash amount contributed or dollar value of the in-kind goods and/or sevices committed;
- How the match is to be used;
- The date the match will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HBCU Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

In evaluating this factor, HUD will consider the extent to which you have secured firm commitments for additional resources to increase the effectiveness of your proposed activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated solely for the purpose(s) of the award you are seeking. A higher number of points will be awarded for a cash match than in-kind goods or services of the same value. The maximum number of rating points you can receive for leveraging is ten (10). Applicants will receive no points for undocumented claims. Use the format provided, to respond to this factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's planning process, contact the local Community Development Agency or the local HUD Field Office.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations *before* submission in order to best complement, support and coordinate all known activities, and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to your proposed activities.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

(4) Institutionalization of Project Activities. HUD will also consider the extent to which your project will result in the kinds of activities that will be sustained by the HBCU by becoming part of the mission of the HBCU. HUD will also look at the HBCUs monetary commitment to continuing to work in the target area or other similar areas and to its longer term commitment of hard dollars to similar work.

VI. Application Submission Requirements

(A) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms follow the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found in Appendix D to this program section of the SuperNOFA.

Forms applicable to the HBCU application are as follows:

(1) Standard Form SF–424, Application for Federal Assistance.

(2) Standard Form SF–424B, Assurances for Non-Construction Programs.

(3) Standard Form SF–4240, Assurances for Construction Programs.

(4) Form HUD–424M Budget Matrix

(5) Form HUD–50070, Certification for a Drug-Free Workplace.

(6) Form HUD–50071, Certification of Payments to Influence Federal Transactions. If you did do any lobbying then you must also complete the Certification and Disclosure Form Regarding Lobbying (SF–LLL).

(7) Form HUD–2880, Applicant/ Recipient Disclosure Update Report.

(8) Form HUD–2992, Certification Regarding Debarment and Suspension. This certification is required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required).

(9) Form HUD–2991, Certification of Consistency with the Consolidated Plan; and

(10) Form HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan. RC/EZ/EC bonus points will only be awarded when the HBCU is located within the geographic boundaries of a HUD or Department of Agriculture RC/EZ/EC. If applicable, you will need to indicate on this form if the college or university is located within the geographic boundaries of the RC/EZ/EC.

(B) *Transmittal Letter.* A transmittal letter must accompany your application. Your cover letter must be signed by the Chief Executive Officer (usually the President or Provost) of your institution. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must also be included.

(C) *Letter Certifying Local Approval.* This letter certifies that the jurisdiction in which your activities will take place approve the implementation of your activities.

(D) *Abstract/Executive Summary* (one page limit) describing the goals and activities of your project.

(E) *Narrative Statement Responding To the Factors For Award* (50 page limit, including tables and maps, but not including firm commitment letters, and the performance narrative). The narrative should be numbered in accordance with each factor and subfactor.

Please note that all certification forms must be signed by the authorized certifying official.

(F) *HUD Form 40076, Budget Information.* Also, HUD will not consider appendices to an application. You must submit your documentation, including firm commitment letters and the performance narrative with your responses to the pertinent factors in order to receive points for it.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program part, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select an alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants,'' issued January 27, 1999.

IX. Other Matters

(1) Disclosures. HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports' both applicant disclosures and updates'will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR 4.7 Part 5.

(2) Publication of Recipients of HUD Funding. HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) Section 103 HUD Reform Act. HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquires to the subject areas permitted under 24 CFR part 4.

(4) Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not longer than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings

must be made in writing and submitted to the person or organization identified as the Contact under the section entitled For Further Information and Technical Assistance in the program section of the Super NOFA under which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

X. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101–235, approved December 15, 1989). The HBCU Program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

Appendices to the HBCU NOFA

A. Field Office Community Planning and Development Directors With Historically Black Colleges And Universities Located Within Their Jurisdiction

B. Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2001

C. Historically Black Colleges and Universities Previously Funded By HUD During Fiscal Years 1991–2001

D. HBCU Application Forms

Appendix A—Community Planning and Development (CPD) Directors With Historically Black Colleges and Universities Located Within Their Jurisdiction

Harold Cole, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, AL 35209–3144, 205–290–7630 ext. 1027

Danny Carter, Acting, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, 501–324–6375

John Perry, Richard B. Russell Federal Building, 49 Marietta Street-Five Points Plaza, Atlanta, GA 30303–2806, 404–331–5001 ext. 2449

Ben Cook, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, 502–582–6163 ext. 214

Gregory Hamilton, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, 504–589–7212 ext. 3047

Joseph O'Connor, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201–2505, 410–962–2520 ext. 3071

Raymond Perry, Acting, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, 313–226–7908, ext. 8055

Emily Eberhardt, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, 601–965–4700, ext. 3140

Ann Wiedl, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, 314–539–6524

Charles T. Ferebee, 2306 West Meadowview Rd., Greensboro, NC 27407–3707, 336–547–4005

James Nichol, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, 904–232–1777, ext. 2136

Carmen R. Cabrera, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, 787–766–5576, ext. 2005

Lana Vacha, 200 North High Street, Columbus, OH 43215–2499, 614–469–5737, ext. 8240

David Long, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, 405–553–7569

Joyce Gaskins, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, 215–656–0624 ext. 3201

Louis E. Bradley, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, 803–765–5564

Virginia Peck, John J. Duncan Federal Building, 710 Locust Street SW., Third Floor, Knoxville, TN 37902–2526, 865–545–4391 ext. 121

Katie Worsham, 801 Cherry Street, Fort Worth, TX 76102, 817–978–5951

John T. Maldonado, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, 210–475–6820, ext. 2293

Carlos Renteria, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, 804–278–4503, ext. 3229

Ronald J. Herbert, 820 First Street NE, Suite 450, Washington, DC 20002–4205, 202–275–0994, ext. 3163

Lynn Daniels, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2512, 416–644–2999

Jack Johnson, 909 SE First Avenue, Room 500, Miami, FL 33131–3028, 305–536–4431, ext. 2223

Appendix B—Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2001

Alabama

Concordia College
Selma University
Trenholm State Technical College

Arkansas

Delaware

Delaware State University

Florida

Florida Memorial College

Georgia

Morehouse School of Medicine
Paine College

Louisiana

Southern University at Shreveport/Bossier City

Maryland

University Of Maryland Eastern Shore

Michigan

Lewis College of Business

Mississippi

Mary Holmes College

North Carolina

Ohio

Wilberforce University

Pennsylvania

Cheyney University of Pennsylvania

South Carolina

Clinton Junior College
Denmark Technical College
Morris College

Tennessee

Knoxville College
Lane College

Texas

Jarvis Christian College
Southwestern Christian College

Virginia

West Virginia

U.S. Virgin Islands

Appendix C—Historically Black Colleges and Universities Previously Funded by HUD During Fiscal Years 1991–2001

Alabama

Alabama A&M University
Alabama State University
Bishop State Community College
Gadsden State Community College
J.F. Drake Technical College
Lawson State Community College
Miles College
Oakwood College
Stillman College
Talladega College
Tuskegee University
C.A. Fredd Technical College

Arkansas

Arkansas Baptist College
Philander Smith College
Shorter College
University of Arkansas at Pine Bluff

District of Columbia

Howard University
University of the District of Columbia

Florida

Bethune-Cookman College
Edward Waters College
Florida A&M University

Georgia

Albany State University
Clark Atlanta University
Fort Valley State University
Interdenominational Theological Center
Morehouse College
Morris Brown College
Savannah State University
Spelman College

Kentucky

Kentucky State University

Louisiana

Dillard University
Grambling State University
Southern University A & M College System at Baton Rouge
Southern University at New Orleans
Xavier University of New Orleans

Maryland

Bowie State University
Coppin State College
Morgan State University

Mississippi

Alcorn State University
Coahoma Community College
Jackson State University
Mississippi Valley State University
Rust College
Tougaloo College
Hinds Community College

Missouri

Harris-Stowe State College
Lincoln University

North Carolina

Barber-Scotia College
Bennett College
Elizabeth City State University
Fayetteville State University
Johnson C. Smith University
North Carolina A&T State University
North Carolina Central University
St. Augustine's College
Shaw University
Winston Salem State University

Ohio

Central State University

Oklahoma

Langston University

Pennsylvania

Lincoln University

South Carolina

Allen University
Benedict College
Claflin College
South Carolina State University
Voorhees College

Tennessee

Fisk University
Lemoyne-Owen College
Meharry Medical College
Tennessee State University

Texas

Huston-Tillotson College
Paul Quinn College
Prairie View A&M University
Saint Philip's College
Texas Southern University
Texas College
Wiley College

Virginia

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University
Virginia Union University

West Virginia

West Virginia State University
Bluefield State College

U.S. Virgin Islands

University of the Virgin Islands

Appendix D

The non-standard forms, which follow, are required for your HBCU application.

BILLING CODE 4210–32–P

Budget Summary
Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget

Category **1. Direct Labor** Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				
Category **2. Fringe Benefits**	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				
Category **3. Materials** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

Category				
4. Travel a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				
Category **5. Equipment** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				
Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

Category **7. Subcontracts** List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category **8. Other Direct** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category **9. Indirect** Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

Budget Summary
Non-Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget

Category **1. Direct Labor** Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				

Category **2. Fringe Benefits**	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				

Category **3. Materials** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category				
4. Travel a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				
Category **5. Equipment** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				
Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category **7. Subcontracts** List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category **8. Other Direct** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category **9. Indirect** Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

RESPONSE SHEET

Applicant Name: _____

Budget-By-Activity The information that the applicant supplies on this form will be reviewed in conjunction with the narrative response and other documentation for the budget submission requirement.

Activity No.	List Activity and Tasks for Each Activity	Source of Funds: HUD HBCU Grant	Other Federal	State	Local	Private	Total
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
	Subtotal	$	$	$	$	$	$
	Costs of Administering Grant	$	$	$	$	$	$
	Percent of Total	%	%	%	%	%	%
	*Total	$	$	$	$	$	$

*Must equal amounts on SF-424.

Factor 4 Response Format

(Use this form or type on separate pages)

Applicant Name: **RESPONSE SHEET**

Factor 4 - Leveraging Resources (maximum points: **10**). The information that the applicant supplies on this form will be used in conjunction with the narrative response and other documentation to rate Factor 4.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	To Be Applied To Task No.	Commitment Letter Page No.
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
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		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street SW, Room 7251
Washington, DC 20410-3500
Attn: (State appropriate program name)

Re: HUD Notice of Funding Availability, FR- for (state appropriate program name)

To Whom It May Concern:

If this proposal is funded, (**provider name**) commits $(**amount**) (or) (**type of in-kind contribution**) valued at $(**amount**) to (**applicant name**) for (**type of activity**) to be made available for recipients of the program.

These funds will be made available on (**date mm/dd/yyyy**) for the following grant activity(ies):(**list**)

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (HSIAC)

PROGRAM OVERVIEW

Purpose of the Program. To assist Hispanic-serving institutions of higher education (HSIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $10.1 million ($7.5 million from FY 2002 appropriation + $2.6 million carry over from FY 2001).

Eligible Applicants: Only nonprofit Hispanic-serving institutions of higher education that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Hispanic-serving Institutions Assisting Communities Program (HSIAC), please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002 at HUD Headquarters.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), Fed Ex, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to HSIAC and include your name, mailing address (including zip code), and telephone number (including area code).

HUD will accept only one application per HSI campus for this program. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800-HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, you should refer to HSIAC and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at http//www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061 extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Armand Carriere via email at Armand_W._Carriere @hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $7.5 million FY2002 funds plus $2.6 million carryover from FY 2001 are being made available under this SuperNOFA for HSIAC.

The maximum grant period is 36 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $600,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $$600,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of HSIAC is to assist HSIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State, Puerto Rico, or the U.S. Virgin Islands within which your HSI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of an HSI in Title V of the 1998 Amendments to the Higher Education Act of 1965 (P.L. 105–244) are you eligible to apply. In order for you to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in your institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. You are not required to be on the list of eligible institutions prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses. In addition, in order to fund as many different HSIs as possible, you can only apply if you did not receive an HSIAC grant in FY 2001. If you received an HSIAC grant in FY 2000, you may reapply as long as: (1) you propose an entirely new project for a different activity; (2) you propose a different project director; and (3) you have drawn down at least 75% of your previous grant by the application due date.

(C) *Eligible Activities.*

(1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. Each activity that may be funded under this SuperNOFA for the HSIAC program must meet one of the three national objectives of the CDBG program which are:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. (You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above, at least 51% are for activities benefiting low- and moderate-income persons.)

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

Ineligible activities are listed at § 570.207. The CDBG publication entitled, ''CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an HSI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (e.g., offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Armand Carriere at 202–708–3061 extension 3181 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is:

(1) Required under the provision of 24 CFR 570.606 (b) or (c); or

(2) Determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Eligible public service activitiesup to 15 percent of the grant including:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling, assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care centers;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(l) Administrative Costs. Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) Ineligible CDBG Activities are listed at 24 CFR 570.207.

IV. Program Requirements

(1) Executive Order 12372, Intergovernmental Review of Federal Programs. You must comply with this Executive Order. Please refer to the General Section VII(C) for details.

(2) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include: your own institution (for both direct and indirect costs);

- Federal, State and local governments;
- Housing authorities;
- Local or national nonprofit organizations;
- Banks and private businesses; foundations; and
- Faith-based and other community based organizations.

(3) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(4) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(5) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/omb/circulars/index.html.

(6) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(7) *Conducting Business In Accordance With Core Values and Ethical Standards* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II.(B)(2)) of the General Section of this SuperNOFA.

(8) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application will only be rated if it is both in compliance with the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible HSI and meet the other eligibility requirements under Section III(B) of this program NOFA;

(2)Your application requests a Federal grant of $600,000 or less over the three year period.

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. Your application must receive a minimum of 70 out of the possible total of 102 points to be considered for funding. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience (5 Points for previously funded applicants and 15 points for previously unfunded applicants).* Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent: experience pertaining to the specific activities being relevant: and experience producing specific accomplishments to be successful. The more recent the experience and the more recent the experience of your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(a) Undertaking specific successful community development projects with community-based organizations; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* (10 points for previously funded applicants)

The extent to which you have performed successfully under your previous and current HSIAC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives consistent with timelines in your grant proposal;

(b) Your leveraging of funding consistent with or exceeding the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous HSIAC grants (including the timeliness and completeness of your compliance with HSIAC reporting requirements and your ability to take action to resolve problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(d) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for HSIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (40 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to the proposed activities, and your actions regarding HUD's priorities and Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points). This factor includes your Statement of Work and Budget.

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) The project you propose can be completed within the three year grant period

(iii) Relate to and not duplicate other activities in the target area;

(iv) Involve and empower the citizens of the target area, targeting specifically faith-based and other community-based grassroots organizations, in all stages of the proposed project (particularly through a committee that is representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (13 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) You propose to alleviate and/or fulfill the needs identified in Factor 2; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your HSIAC application. For more information about the COPC program, you can look at the University Partnerships Clearinghouse web site at http://www.oup.org/techassist/copc/techcopc.html.

(d) *HUD Priorities* (5 points). The extent to which your application will further and support at least one of the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 5 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA.

(i) Encouraging Accessible Design Features.

(ii) Improving Computer Access, Literacy, and Employment Opportunities.

(iii) Providing Full and Equal Access to Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that Programs are Accountable for the Promises Made and the actions taken.

(v) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(2) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other

entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3).

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(4) *Institutionalization of Project Activities.* The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefit students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work. If you have previously received an HSIAC grant, you must describe the progress your institution has made since you received the HSIAC grant in institutionalizing your project activities.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected. A minimum of two applications which include colonias projects will be funded if they receive a minimum score of 70 points.

(1) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(2) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent

HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424*, Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(D) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(E) *Narrative Statement Addressing the Factors for Award.* (50 page limit, including tables, and maps, but not including any letters of commitment and budget forms) (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.). For FY 2002, the statement of work and the budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses of be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.)

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the HSIAC NOFA of this

SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

VIII. Authority

This program was approved by the Congress under the section 107 of the CDBG appropriation for Fiscal Year 2001, as part of the FY 2001 HUD Appropriations Act. HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your HSIAC application.

BILLING CODE 4210–32–P

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0198 (exp. 9/30/2002)

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Hispanic-Serving Institutions Assisting Communities (HSIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the HSIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30004** (03/2002)

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALASKA NATIVE/NATIVE HAWAIIAN ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

PROGRAM OVERVIEW

Purpose of the Program. To assist Alaska Native/Native Hawaiian institutions of higher education (AN/NHIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $4 million plus $2.2 million in previously unexpended FY 2001 funds, to be divided evenly between Alaska Native institutions of higher education (ANIs) and Native Hawaiian institutions of higher education (NHIs).

Eligible Applicants: Only nonprofit Alaska Native and Native Hawaiian institutions of higher education that meet the definitions of Alaska Native and Native Hawaiian institutions of higher education established in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002, at HUD Headquarters.

Application Submission Procedures. New Security Procedures. In response to the terrorist attacks in September 2001 HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped by the following delivery services: United Parcel Service (UPS), Fed EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application die date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by not later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to AN/NHIAC and include your name, mailing address (including zip code) and telephone number (including area code).

For ANIs, HUD only will accept one application per campus. For NHIs, HUD will accept one application per institution. If your institution submits more than one application per campus (for ANIs) or more than one application per institution (for NHIs), HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929 (toll free). If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to AN/NHIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may call Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via email at Armand_W._Carriere@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $ 4 million in FY 2002 funds and $2.2 million in previously unexpended FY 2001 funds is being made available under this SuperNOFA for AN/NHIAC. Of this amount, $ 3.1 million is being made available for Alaska Native institutions (ANIs) of higher education and $ 3.1 million is being made available for Native Hawaiian institutions of higher education (NHIs). The performance period of 36 months will commence on the effective date of the grant agreement. The maximum amount which can be requested and awarded to a particular Alaska Native institution of higher education is $600,000. The maximum amount which can be requested and awarded to a particular Native Hawaiian institution of higher education is $3 million with each application composed of no more than five separate projects, each in a different neighborhood. Each separate project can be for no more than $600,000

Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you are an ANI and submit an

application requesting more than $600,000 in HUD funds, it will be ruled ineligible. If you are an NHI and you submit an application for more than $3 million, it will be ruled ineligible. If you are an NHI and you submit an application in which you request more than $600,000 for any one project, that particular project will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of AN/NHIAC is to assist AN/NHIs to expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State within which your AN/NHI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of either an Alaska Native institution of higher education or a Native Hawaiian institution of higher education, as contained in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244) are you eligible to apply. If you are an Alaska Native institution of higher education, in order for you to meet this definition, at least 20 percent of your undergraduate headcount enrollment must be Alaska Native students. If you are a Native Hawaiian institution of higher education, in order to meet this definition at least 10 percent of your undergraduate headcount enrollment must be Native Hawaiian students. You are not required to be on a list of eligible AN/NHIs prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are an ANI and received a grant in FY 2001, you are not eligible to submit an application in FY 2002. If you are an NHI and received a grant in FY 2001, you are not permitted to submit an application for the same specific project in a different neighborhood, another project in the same neighborhood, or another project with the same project director as the project funded in FY 2001.

If you are an ANI and your institution has multiple campuses, each one is eligible to apply separately, as long as it meets the above enrollment test. You may undertake as many projects and activities as you want, as long as you do not exceed the $600,000 cap for an application. If you are an NHI, you are permitted to submit only one application, no matter how many separate campuses you have, as long as your institution meets the above enrollment test. You may undertake up to five separate projects, each in a different neighborhood, with each project requesting no more than $600,000. In your application you must describe how each project is separate and distinct; how your proposed activities relate to that project; and that each project will not rely on any part of another project for its successful completion. A project can include one or more of the eligible activities listed below. For example, if you propose a homeownership project, you might rehabilitate housing in a neighborhood, demolish some structures to create spaces for lawns, and provide a loan pool for purchasers of this housing. All these activities could still be viewed as one project. You might also undertake a job training program for welfare-to-work families by rehabilitating a warehouse and offering the job training there. These activities could also be viewed as one project. But if you proposed to create a homeownership loan program and a job training program, these activities would be viewed as two separate projects. Your institution could undertake both, but they would have to be in two different neighborhoods.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR 570.208. Each activity that may be funded under this SuperNOFA for the Alaskan Native/Native Hawaiian program must meet one of the three national objectives of the CDBG program which are:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. (You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above at least 51% are for activities benefiting low- and moderate-income persons).

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

The CDBG publication entitled '' CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an AN/NHI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; another example, just undertaking your normal activities (e.g., offering English as a Second Language class) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Armand Carriere at 202 708–3061 extension 3181 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of winners under the Hispanic-serving Institutions Assisting Communities program, a program very similar to this one.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one of the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is (i) required under the provision of 24 CFR 570.606(b) or (c); or (ii) determined by your institution to be appropriate under the provisions of 24 CFR 570.606 (d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Eligible public service activities. Up to 15 percent of the grant can be used for public service activities. Examples include:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them; (viii) Day care centers;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(l) Administrative Costs. Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) Ineligible CDBG Activities are listed at CFR 570.207.

IV. Program Requirements

(A) Executive Order 12372, Intergovernmental Review of Federal Programs. You must comply with this Executive Order. Please refer to Section VII(C) of the General Section for details.

(B) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs); State and local governments; housing authorities; local or national nonprofit organizations; banks and private businesses; foundations; and faith-based and other community based organizations.

(C) *Affirmatively Furthering Fair Housing.* Please see Section II(D) of the General Section of this SuperNOFA.

(D) *Employment of local area residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(E) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(F) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), OMB Circular A–21 (Cost Principles for Education Institutions), and OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov//omb/circulars/index.html.

(G) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(H) *Conducting Business In Accordance With Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II(B)(2) of the General Section of this SuperNOFA as a condition of award.

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with small businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to Section II.(F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be considered for rating and ranking if it is in compliance with both the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible Alaska Native or Native Hawaiian institution of higher education and meet the other eligibility requirements in Section III(B) of this program NOFA;

(2) If you are an ANI, you request a Federal grant of $600,000 or less over the three-year grant period; or

(3) If you are an NHI, you request a Federal grant of $3 million or less over the three year grant period composed of no more than five separate projects, each in a different neighborhood, and each project for an award of no more than $600,000.

(4) If you are an ANI, there is only one application from your institution or a campus of your institution. If you are an NHI, there is only one application from your institution, no matter how many campuses there are.

(5) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) Knowledge and Experience (5 Points for previously funded applicants and 15 points for previously unfunded applicants) Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 5 years to be recent experience pertaining to the specific activities being relevant and experience producing specific accomplishments to be successful. The more recent the experience and the more recent the experience of your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(a) Undertaking specific successful community development projects with community-based organizations; and

(b) Providing proven leadership in solving community problems and have a direct bearing on the proposed activity.

(2) Past Performance (10 Points for previously funded applicants)

The extent to which you performed successfully under your previous AN/NHAIC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives;

(b) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous AN/NHAIC grants (including the timeliness and completeness of your compliance with AN/NHAIC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for AN/NHIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (40 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan and your actions regarding HUD's priorities and Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points). This factor includes your Statement of Work and Budget

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area.

(iv) Involve and empower the citizens of the target area, targeting specifically faith-based and other community-based grassroots organizations, in all stages of the proposed project (particularly through a committee that is representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (12 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two-year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management

plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your AN/NHIAC application.

(d) *HUD Priorities* (6 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 6 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA

(i) Encouraging Accessible Design Features

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access to Faith Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(v) Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities and the Elderly, and Minorities and Families where English may be a second language

(vi) Improving the Quality of Public Housing and Providing More Choices for its Residents.

(2) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which your project will result in activities that are coordinated with other agencies in the community and can be sustained as part of the mission of your institution.

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in activities that can be sustained as part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments of faculty and staff continuing work in the target area or other areas facing similar challenges, and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections.* For ANI applications, each application will be reviewed and rated based on these selection criteria. For NHI applicants, each project in an application will be reviewed and rated separately. If you are an ANI, you must receive a score of at least 70 points on your application in order to be eligible for funding. If you are an NHI, you must receive a score of at least 70 points for a project in order for that project to be eligible for funding. HUD will fund applications (for ANIs) or projects (for NHIs) in rank order, until it has awarded all available funds. HUD will rank and select applications from Alaska Native institutions and Native Hawaiian institutions separately. If, within either of these two categories, two or more applications (for ANIs) or projects (for NHIs) have the same number of points, the application (for ANIs) or project (for NHIs) with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application (for ANIs) or project (for NHIs) with the most points for Factor 4, Leveraging, shall be selected. If all the funds in one category are not awarded, they cannot be transferred to the other category.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C), or do not meet a national objective in accordance with 24 CFR 570.208.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to

offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

(1) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(2) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537(a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Transmittal Letter,* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority. If you are an NHI, this letter should cover your entire application, no matter how many projects are proposed.

(D) *Abstract/Executive Summary* (one page limit for ANIs and three pages for NHIs) describing the goals and activities of the project. If you are an NHI, the abstract should cover your entire application, no matter how many projects are proposed.

(E) *Narrative Statement Addressing the Factors for Award.* (If you are an ANI, there is a 50 page limit including tables and maps, but not including any letters of commitment or budget forms. If you are an NHI, there is a 50 page limit for each separate project, including tables and maps, but not including any letters of commitment or budget forms, with each project responding to all of the Narrative Statement Addressing the Factors for Award Requirements (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2002, the Statement of Work and the Budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor (1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six-month intervals, up to 36 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30005 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work.

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD AN/NHIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.) If you are an NHI, you should separate your leveraging sources by project and include the appropriate letters in the Narrative Statement for that project.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable)

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form

(5) HUD–50070, Certification of Drug-Free Workplace

(6) HUD–2992, Certification Regarding Debarment and Suspension

(7) HUD–2991, Certification of Consistency with the Consolidated Plan and

(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable)

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestion Form (HUD–2994).* If you wish to offer comments on the AN/NHIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled ''Field Environmental Review Processing for HUD Colonias Initiative Grants'' issued January 27, 1998.

IX. Authority

This program was approved by Congress under section 107 of the CDBG appropriation for fiscal year 2002, as part of the FY 2002 HUD Appropriations Act. AN/NHIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your AN/NHIAC application.

BILLING CODE 4210–32–P

Alaska Native/Native Hawaiian Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0206 (exp. 5/31/2003)

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the AN/NHIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Alaska Native/Native Hawaiian Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

TRIBAL COLLEGES AND UNIVERSITIES PROGRAM (TCUP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR TRIBAL COLLEGES AND UNIVERSITIES PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist Tribal colleges and universities to build, expand, renovate, and equip their own facilities.

Available Funds. Approximately $3 million from Fiscal Year 2002 appropriation.

Eligible Applicants: Only tribal colleges and universities that meet the definition of a Tribal College or University (TCU) established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244; enacted October 7, 1998)

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 5:30 PM, Eastern time, on June 20, 2002 at HUD Headquarters.

Applications Submission Procedures New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. When submitting your application, please refer to TCUP and include your name, mailing address (including zip code) and telephone number (including area code).

HUD will accept only one application per TCU campus for this program. If your institution has multiple campuses, each one many submit a separate application. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application will be evaluated. If you do not respond within the stipulated cure period (see Section VI below), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to TCUP and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov./grants.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181 or Sherone Ivey of the Office of Native American Programs at 202–401–7914, extension 4200. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via email at Armand_W._Carriere@hud.gov and Ms. Ivey at Sherone_E._Ivey@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $3 million in FY 2002 funds is being made available under this NOFA for TCUP.

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $400,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of TCUP is to assist TCUs to build, expand, renovate, and equip their own facilities, especially those facilities that are used by or available to the larger community.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of a TCU in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244) are you eligible to apply. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses.

(C) *Eligible Activities.* Each activity you propose for funding must meet one of the following national objectives:

(a) Benefit low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency and other financial resources are not available to meet such needs.

You may not use any of your grant for public services, as defined in 24 CFR part 570, subpart C, § 570.201(e). You may use no more than 20 percent of your grant for planning and administrative activities, as defined in 24 CFR part 570, subpart C, § 570.206. Grant funds can only be used to build, expand, renovate, and equip facilities owned by your institution. Long-term leases of property (i.e., at least five years in duration) are considered an acceptable form of ownership under this program. Equipment can include, but is not limited to, computers, furniture, books, etc.

While community-wide use of your facility is permissible, the facility must be predominantly for the use of your institution (i.e., it must be used by your institution at least 51% of the time). The facility to be assisted must be for some activity or activities that your institution normally provides, as opposed to activities undertaken by other entities using your facility. Buildings in which your institution undertakes activities are eligible for assistance even if they do not serve those enrolled in your institution. A few examples are provided to show eligible uses of the grant. If your institution operates a small business assistance center, renovation of the facility in which the center is located would be an eligible grant activity, because the center is part of your institution even though it is not serving enrolled students. Conversely, if your institution rents space to another entity that operates a small business assistance center, renovation of the facility in which that center is located would not be an eligible grant activity, unless the space is used by your institution at least 51% of the time. As another example, you could build a new gymnasium solely for your students or propose to offer some physical education classes or other activities in the evening to the larger community. But if you proposed to build a new gymnasium, with the majority of the activities for non-students, or with the activities being primarily run by an outside entity, that would be an ineligible activity.

While you may choose to apply for a grant for any kind of college or university facility, facilities that will be used by or available to the larger community (as long as the use is still predominantly for your institution, as noted above) are eligible to receive extra points where the larger community has participated in the planning and implementation of this project. For example, in order to get these points, you could request a grant to rehabilitate a student union building that would also serve as a community meeting facility, with the community helping to plan the renovations and also helping to operate additional activities. As another example, you could expand a facility currently serving as a small business assistance center where current and potential small business owners helped design the expansion. As a third example, you could equip a computer lab where the larger community helped you identify the equipment needs and will also help in implementing workshops, etc. If you are proposing work on a facility that is solely for your institution (e.g., a dormitory or administration building), you can only get these points if you involve the community in the planning and implementation of the project. See Rating Factor 3 for more details. You should call Armand Carriere or Sherone Ivey at the above numbers if you have any questions about the eligibility of any activities you may propose.

(D) *Other Requirements.*

(1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published NOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs), tribes, the Indian housing authorities, financial institutions and private businesses, foundations, and faith-based and other institutions.

(2) *Federal Requirements.* If awarded a grant, you must comply with all Federal requirements, including the following:

(a) If your TCU is a part or instrumentality of a tribe, you must comply with the Indian Civil Rights Act (25 U.S.C. 1301 et seq.), but if your TCU is not a part or instrumentality of a tribe, you must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 et seq. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and Section 109 of the Housing and Community Development Act of 1974, as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6;

(b) The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146, prohibiting discrimination on the basis of age;

(c) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8, prohibiting discrimination against handicapped individuals;

(d) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135, requiring that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons;

(e) The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR part 87;

(f) The requirements for funding competitions established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 et seq.);

(g) Nondiscrimination provisions of Section 109 and Labor standards of section 110 of the Housing and Community Development Act of 1974 (HCDA 1974)(42 U.S.C. 5301 et seq.), referenced at 24 CFR 570.602 and 570.603, respectively. However, in accordance with HCDA 1974 section 107(e)(2), the Secretary waives the provisions of HCDA 1974 section 109 and 110 with respect to this program for grants to a TCU that is a part of a tribe, i.e., a TCU that is legally a department or other part of the tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If your TCU is not a part of a tribe, the nondiscrimination provisions and labor standards of HCDA section 109 and 110 apply to activities under the grant to your TCU.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the

White House website at http://www.whitehouse.gov/OMB/circulars.

(E) *Conducting Business In Accordance with Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in section II.(B)(2)) of the General Section of this SuperNOFA.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if it is in compliance with the requirements of this NOFA and the following additional standards are met:

(1) You must be an eligible TCU;

(2) Your application requests a Federal grant of $400,000 or less over the two-year grant period;

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

In addition you must meet the following Civil Rights threshold requirements if your TCU is not a part or instrumentality of a tribe.

If you, the applicant, (1) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; Act by the Secretary alleging ongoing discrimination; (2) are a defendant in a Fair Housing Act lawsuit by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (3) Have received a letter of noncompliance findings under Title VI, Section 504 or Section 109, HUD will not rate or rank your application under this NOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in this NOFA. HUD's decision regarding whether a charge, lawsuit, or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings. If your TCU is a part or instrumentality of a tribe, there must be no outstanding violataions of Title II of the Civil Rights Act, which requires due process for all activities undertaken by Native American tribes.

(B) *Factors Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100. HUD has five standard factors and several subfactors that it uses for evaluating almost all of its programs. Additionally, the SuperNOFA provides for the award of up to two bonus points for applicants that propose to serve federally designated RC/EZ/ECs, as defined in paragraph III(C)(1) of the General Section of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. More points will be awarded for this factor where the experience belongs to members of the TCU staff than where it belongs to consultants, contractors, and other staff outside your institution. In addition, more points will be awarded where the experience belongs to people who will actually work on your proposed project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Developing and equipping facilities for your institution; and

(b) Working with your community on the planning and implementation of projects.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting this need. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need. You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out.

Rating Factor 3: Soundness of Approach (45 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan.

(a) *Specific services and/or activities* (10 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Meet an identified important need; and

(ii) Relate to and not duplicate other activities in the target area.

(b) *Community Involvement* (10 points). HUD will consider the extent to which you have involved the community in all stages of the proposed project.

(c) *Work Plan Impact* (10 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center), result in measurable improvement to the community (e.g., fifty more people receiving computer literacy training, twenty more small businesses started, etc.), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(d) *Involvement of the Faculty and Students* (10 points). The extent to which your application proposes to use students and faculty, as part of their coursework, for project activities. HUD's goal is to encourage students and faculty to be able to use this grant to enhance their education experience and assist their community at the same time.

(e) *HUD Priorities* (5 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 5 points. For a fuller explanation of each policy priority,

please refer to Section VI. of the General Section of this SuperNOFA.

(i) Encouraging Accessible Design Features.

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access of Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that programs are accountable for the promises made and the actions taken.

(v) Improving the Quality of Public Housing and Providing More Choices for its Residents.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, e.g., the Tribe, the Federal government (Bureau of Indian Affairs, Department of Health and Human Services, Department of Education), etc., public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Commitment letters must state a dollar amount in order to earn points for this factor. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD/ONAP-funded projects/activities; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(3) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

HUD will not fund specific proposed activities that do not meet one of the national objectives referenced in Section IIIC above. In addition, HUD reserves the right to fund less than the full amount requested in your application if any of your proposed activities is not eligible for funding under the statute creating this program.

(D) Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere or Sherone Ivey. Materials provided to you during your debriefing will incude the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form. Binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances found in the Appendix B to the General Section of this SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms,'' can be found in Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) SF–424, Application for Federal Assistance

(B) HUD–424M, Federal Assistance Funding Matrix

(C) Transmittal Letter

(Signed by the Chief Executive Officer of your institution or his or her designee. If someone else in your institution signs this letter, your application must include an official

designation of signing authority to that person.)

(D) Abstract/Executive Summary

(One page limit) describing the goals and activities of the project.)

(E) Narrative Statement Addressing the Factors for Award

(50 page limit, including tables, and maps, but not including any letters of commitment and budget forms.)

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For each proposed activity, your Statement of Work must:

(a) Present a step-by-step breakdown of the major activities for which you seek funding (e.g., rehabilitation of a business development center, construction of new classrooms), identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets one of the national objectives referenced in Section IIIC above.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(d) Provide a description of how any proposed new construction or renovation of existing facilities will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8.21).

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30006 included in the application kit and Appendix B of this NOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution (e.g., an architect, engineer, construction firm, etc.).

(3) Your narrative statement addressing the factors for award should address each of the four factors for award. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in-kind, you must submit a letter, dated no earlier than the date of this NOFA, from the provider on the provider's letterhead that addresses the following:

(i) The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;

(ii) How the leveraging amount is to be used;

(iii) The date the leveraging amount will be made available;

(iv) Any terms and conditions affecting the commitment, other than receipt of a HUD TCUP Grant; and

(v) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and Appendix B for a sample commitment letter.)

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs or SF–424D, Assurances-Construction Programs, depending on the activities you propose to undertake.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension.

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the TCUP NOFA, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Environmental Requirements

Environmental Review. Certain eligible activities under this NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to review under related laws, in accordance with 24 CFR 50.19 (b)(1), (b)(3), (b)(12), or (b)(14). Selection for award does not constitute approval of any proposed sites. If the TCUP application proposes the use of grant funds to assist any non-exempt activities, following selection for award, HUD will perform an environmental review of activities proposed for assistance under the program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

VII. Authority

This program was approved by the Congress under the CDBG appropriation for Fiscal Year 2001, as part of the FY 2002 HUD Appropriations Act (Public Law 107–73). TCUP is being implemented through this NOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your TCUP application.

BILLING CODE 4210–32–P

Budget - Tribal Colleges and Universities Program

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0215
(exp. 10/31/2004)

Applicant should duplicate this page as necessary

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Tribal Colleges and Universities Program (TCUP). Total reporting burden for collection of this information is estimated to average 80 hours. This include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for TCUP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Activity #1 Name:

	Cost Item	Grant Request	Leveraged Funds*	Total Cost
1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 1 Cost			

Activity #2 Name:

1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 2 Cost			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

	Activity #3 Name:			
	Cost Item	Grant Request	Leveraged Funds*	Total Cost
1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 2 Cost			

	Activity #4 Name: Planning and Administration			
1.	Direct Labor			
2.	Fringe Benefit			
3.	Materials			
4.	Travel			
5.	Equipment			
6.	Consultants			
7.	Subcontracts			
8.	Other Direct Costs			
9.	Indirect Costs			
10.	Total Activity Cost #3			
	Grand Totals (all pages)			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE FAIR HOUSING INITIATIVES PROGRAM (FHIP)

PROGRAM OVERVIEW

Purpose of the Program. To increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

Available Funds. For FY 2002, approximately $20,250,000 is allocated to three (3) Initiatives as follows:

A. Private Enforcement Initiative (PEI) $11,825,000 million.

B. Education and Outreach Initiative (EOI) $6,325,000 million.

C. Fair Housing Organizations Initiative (FHOI) $2,100,000 million.

Eligible Applicants. Eligibility requirements are described in detail under each of the funded Initiatives and Components, set forth below, and eligible applicants may include: Qualified Fair Housing Organizations (QFHOs); Fair Housing Enforcement Organizations (FHOs); public or private for-profit or not-for-profit organizations or institutions, or other public or private entities that are working to prevent or eliminate discriminatory housing practices; faith-based community-based organizations, State and local governments or their agencies; and Fair Housing Assistance Program (FHAP) agencies (as defined in Section IV of this NOFA).

Application Deadline. May 22, 2002.

Match: No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. However, sponsored organizations under FHOI must meet the requirements described in Section IV (D) below.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of this SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended) and the FHIP Regulations (24 CFR 125.103–501).

I. Application Due Date, Further Information, and Technical Assistance

A. *Application Due Date.* You must submit completed applications for all Initiatives and Components by 6 p.m., Eastern Time, on or before May 22, 2002 at HUD Headquarters building, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the method of application submission (e.g., mailed applications, express mail, or overnight delivery). In addition, review all information on delivery services permitted into HUD Headquarters building without escort.

B. *Address for Submitting Applications.* Your application consists of an original signed application form (SF 424) and all items listed in the Checklist (See Section IV and Appendix C for all submission requirements). Submit your completed application (one original and five copies) to: FHIP SuperNOFA 2002 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5224, Washington, DC 20410.

When you submit your application, please provide the following information at the front top left corner of the mailing envelope: your organization's name, name of contact person, mailing address (including zip code), telephone number (including area code), and fax number. Applicants for more than one Initiative or Component must submit six copies for each Initiative or Component for which you apply. See General Section of the NOFA for further information on Consolidated Application Submissions.

C. *For Further Information and Technical Assistance.* You may contact Myron P. Newry or Denise L. Brooks of the FHIP Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 1–800–290–1617 (this is a toll-free number). Contained in Appendix A of this NOFA is a Question and Answer section, please review this for answers to some of your questions.

Satellite Broadcast. HUD will hold an information broadcast via satellite for prospective applicants to learn more about the program and preparing applications. For more information about the date and time of this broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amounts Allocated

In Fiscal Year 2002, $20,250,000 was appropriated for the Fair Housing Initiatives Program. This amount is being made available on a competitive basis to eligible organizations responding to this NOFA. The amount available for each Initiative or Component and the maximum amount of funds that can be awarded for each grant are specified as follows:

(A) *Private Enforcement Initiative (PEI).* Approximately $11,825,000 million is allocated; maximum award is $275,000 per grant; project duration is 12 to 18 months.

(B) *Education and Outreach Initiative (EOI).* Approximately $6,325,000 million is allocated to the Regional/Local/Community-Based Program and a National Program. The maximum award is $100,000 for the Regional/Local/Community-Based Program and the project duration is 12 months. The maximum award for the National Program is $1,000,000 and the project duration is 12 months for the Media Campaign Component and 24 months for the Fair Housing Awareness Component. EOI has four Components: Regional/Local/Community-Based Programs:

(1) EOI—General Component. Approximately $3,500,000 million is allocated.

(2) EOI—Disability Component. Approximately $825,000 is allocated.

National Program:

(3) Media Campaign Component. Approximately $1,000,000 is allocated.

(4) Fair Housing Awareness Component. Approximately $1,000,000 is allocated.

(C) *Fair Housing Organizations Initiative (FHOI).* Approximately $2,100,000 is allocated; project duration is three years. Maximum award is $1,050,000 allocated over a three year period at up to $350,000 per year.

III. Program Description; Eligible Applicants; Eligible Activities

A. *Program Description.* The Fair Housing Initiatives Program (FHIP), 24 CFR part 125, assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with the substantially equivalent fair housing laws administered by state and local government agencies [Fair Housing Assistance Program Agencies (FHAP)]. Applications submitted for funding under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices. Applications selected for funding under PEI and FHOI must comply with the *Mandatory Referral* requirement described in Section IV(B) of this NOFA.

B. *Changes to this year's NOFA.* To improve the FHIP NOFA, a number of changes have been made this year. There are 2 new EOI National Program Components: the Media Campaign and the Fair Housing Awareness Components. The project duration for EOI Regional/Local/Community-Based Program and the National Program Media Campaign awards is 12 months and for the National Program's Fair

Housing Awareness Component 24 months. For FHOI, the project duration is 3 years. Changes also have been made in how the applications are rated.

For EOI: See Section V (D) ''Factors for Award Used to Evaluate and Rate Regional/Local Community-Based Applications'' of this NOFA on changes to EOI—General.

For FHOI: HUD has determined that rural areas and areas with immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited English proficiency) are underserved. These underserved areas include: the Colonias, rural areas, or areas that contain large concentrations of persons protected under the Act where either no public or private fair housing enforcement organization exists or the jurisdiction is not sufficiently served by one or more public or private fair housing enforcement organizations.

For PEI: We have increased the award cap from $250,000 to $275,000. In addition, we have eliminated the requirement that applicants with current PEI grants be excluded from participating in this year's NOFA.

Finally, for PEI and FHOI, a total of 5 points will be deducted if the applicant is an organization that has received FHIP funding in the past to conduct enforcement-related activities has not complied with the program requirements regarding mandatory referrals and reimbursement of the Federal government for compensation resulting from FHIP-funded enforcement activity. If you have received PEI funds previously, your application should clearly state how you have complied with this requirement.

Other Changes. This year HUD will take into account an applicant's past performance in evaluating applications for funding. HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition. All other applicants who have not received FHIP funding, or have received FHIP funding prior to 1998 will be evaluated on past performance as outlined in Rating Factor 1.

Finally, applicants must submit with their application a written code of conduct and a description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct (See General Section). [Additional clarification is provided in Appendix A, Most Frequently Asked Questions.]

Bonus Points: See General Section III (C) ''Factors For Award Used to Evaluate and Rate Applications'' for information on how Bonus Points will be awarded under this SuperNOFA.

C. *Ineligible Activities.* You are reminded to read carefully the eligibility requirements for each Initiative and Component. Enforcement-related activities are not eligible for funding under EOI and there is a limit on the amount of education-related activities that can be funded in an enforcement grant (PEI or FHOI). No awardee may use FHIP funds to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104(f)).

D. *Priorities.* Immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited proficiency in English) often face formidable barriers because of discriminatory housing practices. It is especially important that fair housing services be directed to these underserved and immigrant populations and to the specific types of discrimination they may encounter. All applicants are encouraged to address the fair housing needs of these populations.

For FHOI, HUD will fund applications that purpose to provide services in underserved areas (See Section III (B)(1)(b) of this NOFA.

HUD expects applicants to address all forms of housing discrimination covered under the Fair Housing Act. In addition, since the September 11, 2001 attacks in the United States, incidents of bias based on religion and national origin have been on the rise. Applicants should specifically address discrimination under the Fair Housing Act based on national origin and religion and describe education and outreach efforts to these vulnerable communities to provide information about their fair housing rights.

Finally, HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation. Applicants submitting applications to the Education and Outreach National Program's two Components (Media Campaign Component and Fair Housing Awareness Component) must address this need. For the Media Campaign Component, applicants are required to provide a centralized and coordinated effort for the development and implementation of a fair housing media campaign designed to educate the public about their fair housing rights. The Fair Housing Awareness Component will provide education and outreach to promote public awareness on predatory lending.

(A) *Private Enforcement Initiative (PEI).* This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent State and local fair housing laws. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (see Mandatory Referrals, Section IV below).

(1) *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and qualified fair housing enforcement organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, within the three years prior to filing this application, (24 CFR 125.103). You must certify, in the Statement of Eligibility that you submit with this application, that your organization is an FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (Section V of the General Section of the SuperNOFA). All applicants claiming QFHO and FHO status are required also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status. However, failure to provide this document with your application is a

technical deficiency and you will have 14 days to provide the requested information (Section V of the General Section of the SuperNOFA).

(2) *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in the Statement of Eligibility that it is a private, tax-exempt organization with the requisite two years for a QFHO or one year experience for an FHO.

(3) *Eligible Activities* include:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediated agreements or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(B) *Education and Outreach Initiative (EOI).* This Initiative assists projects that inform the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of fair housing complaints and other information regarding possible discriminatory housing practices. Applications are solicited for the EOI-Regional/Local/Community-Based Program—in which activities are conducted on a regional/local/community-based level and in a National Program. You may submit your application for the Regional/Local/Community-Based General Component or Disability Component or the National Program's Media Campaign Component or Fair Housing Awareness Component depending upon its focus.

(1) *Eligible Applicants.* Eligible applicants are QFHOs; FHOs (under this Initiative an FHO is not bound by the requirement to have engaged in enforcement-related activity for at least one year, (24 CFR 125.103); public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (this category includes entities that will be established as a result of receiving an award under this FHIP NOFA); faith-based or community-based organizations; State or local governments or their agencies; and agencies that participate in the FHAP (see the list of FHAP agencies at Appendix D). If you are a disability advocacy group, faith-based or community-based organization or traditional civil rights organization, you are encouraged to apply under this Initiative.

(2) *Eligible Activities.* The following are eligible activities for EOI: conducting educational symposia; distributing existing fair housing materials throughout your project area; providing outreach and information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service housing providers, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we encourage the use of existing, locally or nationally available fair housing materials; except that you may modify those existing materials in languages other than English.

The Components for the Regional/Local/Community-Based Program are described below:

Disability Component. Applications that emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and more fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the EOI—Disability Component. Although the Component has a disability focus, the funded activities must provide education and outreach to all persons protected under the Act.

General Component. Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component. One point will be awarded for applications from faith-based or community-based organizations or organizations that propose to either partner or sub-contract with faith-based or community-based organizations in conducting their work programs. Applicants who are submitting applications in conjunction with a faith-based or community-based organization must include in their application a letter of firm commitment from that faith-based or community-based organization. This letter of firm commitment must: (1) identify the faith-based or community-based organization; (2) identify the activities/tasks to be undertaken by the faith-based or community-based organization under this project; and (3) be signed by the individual or organization with legal authority able to make commitments for the organization.

Finally, up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA.

The Components for the *National Program* are described below:

Media Campaign Component. Activities for funding must provide a centralized, coordinated effort for the development and implementation of a fair housing media campaign designated for FY 2003 Fair Housing Month activities. Additional information on the EOI-National Program is contained within this NOFA under the Factors for Award—National Program Media Campaign Component.

Fair Housing Awareness Component. Grantees must conduct a national campaign to educate the public on the dangers of abusive lending practices that target specific neighborhoods or vulnerable segments of the population. Additional information on the EOI National Program is contained within this NOFA under the Factors for Award—National Program Fair Housing Awareness Component.

(C) *Fair Housing Organizations Initiative (FHOI).* This Initiative provides assistance to projects that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing enforcement activities in underserved areas (as defined in Section IV) with large concentrations of persons protected by the Act. This is accomplished with the assistance of a sponsoring organization. It is the sponsoring organization that submits the application under this Initiative. The sponsored organization whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three

years contingent upon annual performance reviews. Funds are allocated under this NOFA for 3 years and may be distributed to the sponsored organization by the sponsoring organization. The sponsoring organization may expend FHIP funds for administrative costs as described below. HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to the Colonias, rural areas, or to areas with large concentrations of individuals who fall within one or more categories protected under the Act and who are immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency).

(1) *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO) with at least 2 years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the 3 years prior to the filing of this application, as defined at 24 CFR 125.103. You must certify in the Statement of Eligibility that you submit with this application that your organization is a QFHO. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (see Section V of the General Section of the SuperNOFA on technical corrections that do not affect scoring). You are also required to submit a copy of your IRS tax-exempt status with your application. However, failure to provide this document with your application is a technical deficiency, and you will have 14 days to provide the requested information (see Section V of the General Section of the SuperNOFA).

Eligibility of Successor Organization. HUD recognizes that a QFHO may merge with one or more organizations. The merger of a QFHO into a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO status upon the successor organization. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will consider the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it can establish that it is a private, tax-exempt organization with the requisite 2 years of experience as a QFHO.

(2) *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year 3 of the grant cycle:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(3) *Administrative Costs for the Sponsoring Organization.* The sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant

IV. Program Requirements

(A) Requirements for All Initiatives.

In addition to the Threshold Requirements in Section II(B) of the General Section of this SuperNOFA, your FHIP-funded program application must also meet the following requirements:

(1) *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

(2) *Broad-Based and Full-Serviced.* Your organization must conduct a broad-based and full-service enforcement project that addresses discrimination against all persons protected by the Fair Housing Act on the basis of race, color, religion, sex, disability, familial status, or national origin.

(3) *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD goals, identify performance measures/outcomes in support of those goals, describe your proposed record-keeping and evaluation systems, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve. Your application also must contain a strategy for generating project products, with related timelines and milestones. In addition, you must include in your application and work plan program measures to ensure that promises made in your application for persons to be assisted, timelines and budgets to be followed, and results to be achieved can be accounted for and independently assessed to ensure performance goals have been met. Applicants who have included means of assessing progress, tracking performance goals and achievements against promises made in the application will receive higher rating points. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed grant agreement.

(4) *Reports and Meetings on Performance Measures and Products.* You are required to report quarterly on the status of project products against your approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements. In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department.

(5) *Single Award Limitation/ Preference Must Be Stated.* You may submit applications under all Initiatives and Components for which your organization is eligible but you will receive only one grant with the exception that successful FHOI applicants may receive a grant award under one of the other Initiatives. If you submit more than one application for funding, you must clearly state your preference in two places in each application you submit: (i) the Transmittal Letter and (ii) the Cover Page. The Selecting Official may disregard your preference if it is in the best interest of the Program to do so. Failure to submit your preference at the time of application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of this SuperNOFA.

(6) *Independence of Awards.* HUD will review each application separately and without reference to other applications submitted by you or others. You may submit one application to each of the Initiative/Components outlined in this NOFA. However, each application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(7) *Project Starting Period.* For planning purposes, assume a start date no later than thirty days after completion of negotiations. Negotiations are estimated to start on or before September 30, 2002.

(8) *Page Limitation and Formatting Requirements.* All pages in your application must be numbered consecutively from beginning to end. The maximum number is 10 pages per factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 point typesize. You must respond fully to each factor to obtain maximum points. Failure to: provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given Rating Factor for Award or subfactor. Failure to provide double spaced, 12 point typesize narrative responses will result in five points being deducted from your overall score (one point per factor).

(9) *Training funds.* Your proposed budget must set-aside funds to participate in HUD-sponsored or approved training ($3,000 for EOI and PEI annually; and $6,000 annually for FHOI). Requests to attend HUD-approved training must be submitted to the GTR for approval in advance of the requested training. Do not include amounts over the $3,000 or $6,000 (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD may modify your budget, reallocating the appropriate amount for training.

(10) *Payment Contingent on Completion.* Payment of FHIP fund is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

(11) *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

(12) *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

(13) *Complaints Against Grantees/Cooperative Agreements.* Each FHIP grantee/cooperative agreement is overseen by a HUD Grant Officer. Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant/cooperative agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, or cooperative agreement terms or conditions or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

(14) *Avoiding Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project to any other Federal project.

(15) *Ineligible Activities.*

(a) *Fair Housing and Free Speech.* None of the amounts made available under this NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

(b) *Insurance Testing.* HUD will fund organizations who conduct insurance-related enforcement work under the FHIP, but no project will focus exclusively on this issue.

(16) *Key Personnel.* If your organization is selected for award, you must certify to HUD (HUD Form 40076) whether any staff member identified in the proposal or proposed to be hired (including signator on the SF–424) has been convicted of a felony or crime involving fraud or perjury. In advising HUD, you must specify the crime(s) for which the person was convicted, the date entered, and the penalty received and submit a copy of the report from the police or court documenting the conviction. Depending upon the facts, HUD may place special conditions upon the grantee or the particular person's participation in grant funded activities.

(17) *Definitions.* The definitions that apply to this FHIP section of the NOFA are as follows:

Broad-based proposals those that include activities that are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination covered under the Act, such as: rental, sales and financing of housing. (See also Full Service Projects below)

Colonias (See General Section).

Complainant means the person (including the Assistant Secretary) who files a complaint under Section 810 of the Act.

Disability advocacy groups mean organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers, and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

Enforcement proposals are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD involvement.

Fair Housing Act means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

Fair Housing Assistance Program (FHAP) Agencies mean State and local government agencies that administer laws substantially equivalent to the Act, as described in 24 CFR part 115 and receive FHAP funds.

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

Faith-based and Other Community-based Organizations (See General Section).

Full-service projects must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Meritorious claims mean enforcement activities by an organization as defined in 24 CFR 125.103.

Operating budget means your organization's total planned budget expenditures from all sources, including

the value of in-kind and monetary contributions, in the period for which funding is requested.

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

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

Rural Areas, according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population (i.e., city) or 20,000 inhabitants or more; territory, persons and housing units in the rural portions of 'extended cities.'

(iii) The rural portions of extended cities in the United States as identified by the U.S. Census Bureau.

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

(v) Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area.

Traditional Civil Rights Organizations mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

Underserved Areas mean jurisdictions that contain large concentrations of persons protected under the Act and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations. (See definitions of Colonias, Faith-based and Community-based organizations above).

Underserved Populations mean groups of individuals who fall within one or more of the categories protected under the Act and who are also: (1) Of an immigrant population (especially racial and ethnic minorities who are not English-speaking or with limited English proficiency), (2) in rural populations, (3) persons living in the Colonias, (4) the homeless, and (5) persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts.

(18) *Grant/Cooperative Agreements.* The type of funding instrument HUD may offer a successful applicant will be a grant/cooperative agreement which sets forth the relationship between HUD and the grantee where the principal purpose is the transfer of funds, property, services, or anything of value to accomplish a public purpose. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will monitor your progress using provisions of your grant/cooperative agreement to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives would be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your grant/cooperative agreement funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

(19) *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order between Initiatives as follows:

(a) for EOI, any remaining funds from any component will be reallocated first within the Initiative; if after reallocating funds within the Initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

(b) for PEI, any remaining funds will be reallocated to EOI then to FHOI;

(c) for FHOI, left over funds will be reallocated to PEI then to EOI.

Reallocated funds will be awarded within Initiative as described in Section V of this NOFA.

(20) *Affirmatively Furthering Fair Housing.* A separate AFFH submission is not required for FHIP because the purpose of the program is to further fair housing.

(21) *Conducting Business in Accordance with Core Values and Ethical Standards.* (See General Section. Refer also to the discussion on Code of Conduct above).

(22) *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) 2 weeks before release for approval and acceptance.

(23) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses.* See General Section.

(B) Additional Requirements For PEI and FHOI

(1) *Mandatory Referrals.* You must refer to HUD all cases arising from FHIP-funded enforcement activities. In all FHIP-funded cases where you find a basis for filing a complaint on behalf of a complainant other than your organization, you must file the complaint with HUD unless the complainant declines to do so in writing. In addition to filing complaints with HUD, a complainant may file a civil action in Federal or State Court.

(2) *Outreach Expenses.* The funds awarded for enforcement grants may be used for outreach and education activities (hereafter, outreach activities) in order to promote awareness of your project's services, as follows: under FHOI, you may provide for up to 10 percent of the requested funds for the sponsored organization to be used for outreach activities; under PEI, you may designate up to 5 percent of the requested funds for outreach activities.

(3) *Tester Requirements.* Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test; except to the extent that they could recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage of any party in a case;

(c) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(4) *Review and Approval of Testing Methodology.* If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities:

(a) The testing methodology to be used,

(b) The training materials to be provided to testers, and

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

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(5) *Conflict of Interest and Use of Settlement Funds.*

(a) You may not solicit funds from or seek to provide fair housing educational or other services or products for compensation either directly or indirectly to any person or organization that has been the subject of FHIP-funded testing by your organization during the 12-month period following the test. This does not preclude providing training or technical assistance that is court ordered or contained in a negotiated settlement. HUD reserves the right to impose additional provisions addressing potential conflicts of interest.

(b) You must reimburse the United States for FHIP-funded activities whenever you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing. You must provide information about reimbursements and/or potential reimbursements in a report that you submit to HUD (see Reports below). Terms for reimbursing the United States will be specified in your grant or cooperative agreement. This reimbursement requirement does not apply to compensation received as a result of a judgment in Federal or State Court. Calculate your reimbursement on a per complaint basis. Identify the complaint, then subtract the amount of non-FHIP funds from the amount of FHIP funds used to resolve the complaint. The difference is the amount owed. For example:

FHIP grant of $15,000 ($10,000 which is for testing: 20 tests @ $500 each). One test results in a $15,000 conciliation/settlement. Additional expenses paid from non-FHIP funds: $100.

Total FHIP funds for the settlement activity that resulted in collected funds: $400.00 Calculation

$500 (Amt. of FHIP funds in activity resulting in conciliation/settlement) – *$100 (Non–FHIP funds used in the same activity)*

Total $400 to be repaid to HUD.

(6) *Reports.* You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the number and basis of complaints filed with HUD, with a FHAP agency, or in Federal/State Court as well as the number and terms of settlements or other outcomes achieved. If HUD does not prescribe a format or frequency, you will provide a narrative report within 90 days after all grant activities have ended or at the end of each 12-month period of the grant, whichever comes first. You do not have to disclose the terms of settlements or judgment that a court or other tribunal orders be kept confidential. You will also be required to provide status reports on case referrals you have made to HUD or a FHAP agency. These reports are for enforcement purposes and will remain confidential.

(7) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) in a format prescribed by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; the entity to which the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(8) *Attachments.* All PEI and FHOI applicants must submit a Statement of Eligibility. All applicants must submit resumes, or position description in lieu of resume, of all key personnel; for those who have received funding for other projects, a copy of the most recent performance assessment from the funding source, if it was a HUD funded project, the most recent SF 269. In addition, FHOI, and PEI applicants must submit the Internal Revenue Service's, Letter of Determination declaring your Section 501(c)(3) status as a tax-exempt organization.

(C) Additional Requirements for Education and Outreach Initiative

Complaint Referral Process. EOI activities do not end with the delivery of educational activities. Their purpose is to enable persons who believe they have experienced housing discrimination to file complaints for investigation and relief. EOI applicants must develop a process for referring fair housing complaints to HUD or substantially equivalent entities under the Act. HUD expects this complaint referral process will result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

(D) Additional Requirements for Fair Housing Organizations Initiative

Sponsored organization's viability and fair housing enforcement capacity. Over the duration of the grant, the sponsored organization must demonstrate its capacity to become a viable, fair housing enforcement organization that conducts fair housing-related enforcement activities and leverages non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when HUD evaluates your application. We will look for this description in your response to Rating Factor 3: Soundness of Approach. Specifically, the application must address:

(a) Fair Housing-related enforcement activities. The sponsored organization must conduct all enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. Your application must identify which activities the sponsored organization will conduct at the end of the grant year 1, 2 and 3. Your performance measures will be based upon this description, and failure to meet them may result in termination of your grant or cooperative agreement.

(b) Organizational resources. The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements. Your performance measures will be based upon these requirements, and failure to meet them may result in termination of the grant.

V. Application Selection Process

(A) Screening/Threshold Review

Only applications that satisfy all of the applicable requirements under this NOFA will be considered for funding. Applicants meeting any of the following conditions are ineligible.

(1) *General Section Requirements and Procedures.* If you do not meet the Threshold Requirements set forth in Section II (B) of the General Section of this SuperNOFA.

(2) *Debarment and Suspension.* If your organization is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.

(3) *Maximum award.* If you request funding in excess of the maximum allowed under the Initiative or Component for which you are applying your application is ineligible. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive.

(4) *Research Activities.* If 25% or more of your project is aimed solely and primarily at research. Also, your application should not require any surveys or questionnaires.

(5) *Eligibility Applicants.* If you do not meet the eligibility requirements for PEI and FHOI. For PEI, you must be a FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. For FHOI, you must be a QFHO.

(6) *Tax Exempt Status.* If you are not a tax-exempt, nonprofit, charitable organization. For PEI and FHOI, you must be a 501(c)(3) tax exempt organization as determined by the Internal Revenue Service (IRS). Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the deadline date of this NOFA, in support of your 501(c)(3) tax-exempt status.

(7) *Media-based Applications.* Applicants who submit applications under the EOI National Program Media Campaign must have as its primary responsibility advertisement and media and have at least 5 years of experience as an advertisement/media organization, or if the applicant is not a media organization, it must include as part of its proposal a subcontract with an established media/advertising or public relations organization, that has experience in conducting national media campaigns. Applicants that fail to meet this requirement or include such subcontract arrangements in their proposals will be ineligible for funding. Further, for-profit awardees must adhere to OMB Circular A–122.

(8) *Poor Performance.* HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

(9) *Suits Against the United States.* Your application is ineligible if as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(10) *Other Litigation.* Your application is ineligible if any recipient under this Program used any funds provided by HUD to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 124.104).

(B) *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP Initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following Initiatives or Components:

(1) Private Enforcement Initiative (PEI)

(2) Education and Outreach Initiative

(a) Regional/Local/Community-Based Program:

i. General Component (EOI—GC)

ii. Disability Component (EOI—DC)

(b) National Program:

iii. Media Campaign Component

iv. Fair Housing Awareness Component

(3) Fair Housing Organizations Initiative (FHOI)

All eligible applications will be reviewed and points awarded based upon: (1) your narrative responses to the Factors for Award and accompanying materials (e.g., resumes) and (2) bonus points, if entitled. The maximum number of points to be awarded for the Rating Factors is 100. See Section III (C) of General Section for discussion on Bonus Points. Applications with a score of seventy (70) points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy (70) points. Generally, applications of sufficient quality for funding will be selected in simple rank order under each Initiative or Component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each Initiative or Component, as described in Section V (C) below. Selections under each Initiative or Component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

(B) Tie Breaking

When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher.

(C) Achieving Geographic Diversity of Awards

(1) *PEI and EOI.* HUD reserves the right to select applications out of rank order under geographic diversity, to ensure that, to the extent possible, applications from more states for each Initiative or Component are selected for funding. If the Selecting Official exercises this discretion, it shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 70 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity provision will be applied as follows: when there are two or more applications

of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

(2) *FHOI.* The geographic diversity selection procedures described in paragraph V(C)(1) will be used for FHOI for activities proposed in the same state.

(D) *Factors for Award Used to Evaluate and Rate PEI, FHOI and EOI Regional/Local Community-Based Applications.* The factors for rating and ranking applications and the maximum points for each Rating Factor are described below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for obtaining a concise summary of the proposed activities is not considered in the rating of applications. Please respond fully to the criteria in each Rating Factor and sub-factor and, when directed, provide other information in support of your response. The Factors for Award are set out as follows:

In general. This section applies to **all** PEI, FHOI, and EOI Regional/Local Community-Based applicants. Your responses to each Rating Factor and including the ''In Addition'' section below must not exceed 10 page Rating Factor requirement.

In Addition. This section identifies issues to which you must respond, if required, by the particular Initiative or Component for which you are applying.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. You must also provide performance assessments conducted by your funding sources, including HUD, that have been done of your organization's performance of these activities. Such performance assessments must be signed by or attached to a transmittal signed by the authorized representative of the funding source(s).

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors.

(a) (5 Points) *Number and expertise of staff (this includes subcontractors and consultants).* You must show that you will have sufficient, qualified staff who will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(i) Identify, by name and/or title, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience would be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(ii) Attach resumes, or position description in lieu of resumes, for all key personnel. (Resumes do not count against the ten-page limit.)

(iii) Describe the qualifications to be considered in the selection of staff or contractors (and their staff) that will be assigned or hired at a later date, when you expect they will begin working on the project and how project activities will be carried out until then. Assume a start date of September 30, 2002.

(iv) Describe the racial/ethnic diversity of project staff and the applicant's governing board. If there is no diversity, please explain. No explanation of the lack of diversity will result in less points being awarded.

(v) Include a chart showing availability of all named personnel during the proposed period of activity.

(b) (10 Points) *Organizational experience.* In responding to this subfactor, you must show that your organization has: (i) Conducted a past project or past projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (ii) engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 3 years to be recent, experience pertaining to the specific activities to be relevant, and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. If the applicant organization has not engaged in projects similar to the scope and activities proposed in the application, two (2) points will be deducted.

In addition. If you are applying for funding under PEI or FHOI, provide the following information when responding to this subfactor:

(i) Respond completely to all questions in the Statement of Eligibility. (A copy of a blank Statement of Eligibility appears in the Appendix C to this NOFA.) For PEI, you must clearly state whether you are a QFHO or an FHO. You must provide information that establishes that your organization has engaged in each of the enforcement-related activities, for at least one year (if you are an FHO) or two years (if you are a QFHO). For FHOI, you must be a QFHO.

(ii) Describe the procedure you will use to ensure that testers comply with the requirements in Section IV (B) (3) of this program NOFA.

(iii) If you propose to conduct testing (other than rental or accessibility testing) projects proposing testing in the specific areas (for example, if testing is for sales of housing, your application should outline your sales testing experience) should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured.

FHOI. Provide a statement of organizational capacity and experience of the sponsored organization.

In general. (c) (5 Points) *Performance on past project(s).* You must describe your organization's past performance in conducting activities relevant to your

proposal, in the past three years (including FY 1998–2000 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

5 points will be deducted if you obtained any ''fair performance'' assessment;

3 points will be deducted if you obtained any ''good performance'' assessment; and

0 points will be deducted if you obtained any ''excellent performance'' assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity's performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

3 points will be deducted for failing to meet target dates and schedules for performance; and

2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience, you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and size and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit report will receive a lower score for this sub-factor than those that do.

In addition. (a) If you have received an FHOI or a PEI award under the FY 1998, 1999 or 2000 FHIP NOFA, you must:

(i) Discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities requirement, as described in the FY 1998, 1999, and 2000 NOFAs. Three (3) points will be deducted for this subfactor if you do not show in your application compliance with the requirement.

(ii) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two (2) points will be deducted for this sub-factor if you have not complied with the requirement.

Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem in the target area. You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need. You must also describe whether you and/or your project are not served by a State or local FHAP agency.

(a) (15 Points) *Documentation of Need.* To justify the need for your project, you must describe the following:

(1) The fair housing need, including:

(a) Geographic area to be served;

(b) Populations protected by the Act that will be served—your project must serve all persons protected by the Act; and

(c) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability. You must submit data and studies that support this indication.

(2) The urgency of the identified need. For example:

(a) The consequences to persons protected by the Act if your application is not selected for funding;

(b) The extent to which the organizations provide the services identified in your application;

(3) Other sources that support the need and urgency for this project. For example, use reports, statistics, or other data sources that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD web at ''www.hud.gov.''

If the fair housing needs you have identified are not covered under the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or if your locality does not have a CP or AI, you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. If your application addresses needs that are identified in the AI, you will receive more points than applicants located in an area with an AI that do not relate their program to the identified needs in the AI. For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

(a) how the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) why, in light of other on-going efforts, the additional funding you are requesting is necessary.

In addition, with respect to (a) Documentation of Need, the following apply to specific FHIP Initiatives or Components:

EOI—Disability Component. Your project must serve all persons protected by the Act.

FHOI. HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to underserved areas and to areas with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). Although HUD has targeted these areas, you are still required to justify the need for the sponsored organization by: (i) demonstrating the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability and submit data and studies that support your claim; and (ii) explain

why the project area is underserved and why the proposed sponsored organization is needed. Your proposal must serve all persons protected by the Act.

(b) (5 Points) *Underserved Areas.* Up to five points will be awarded when the applicant *and* project area are not served by a State or local FHAP agency. In instances where the applicant is located in an area not served by a FHAP agency but the project activities are conducted in various geographic areas, some that are not served by a State or local FHAP agency, points will be awarded as follows:

5 points will be awarded if more than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

4 points will be awarded if more than 60% but less than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

3 points will be awarded if more than 40% but less than 60% of the activities are conducted in areas not served by a State or local FHAP agency.

2 points will be awarded if more than 20% but less than 40% of the activities are conducted in areas not served by a State or local FHAP agency.

1 point will be awarded if less than 20% of the activities are conducted in areas not served by a State or local FHAP agency.

You must indicate whether (a) you are located in an area that is served by a State or local FHAP agency (see Appendix C for a list of FHAP agencies); (b) the activities you propose will be conducted in a project areas served by a State or local FHAP agency; and (c) explain why the project area is underserved and/or why the proposed organization or activity is needed.

Attachments. None required.

Rating Factor 3: Soundness of Approach (40 Points)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Also attach a SOW and budget. Your proposed activities must support HUD's goals.

(1) (4 Points) *Support of HUD Goals.* Describe how your proposed project will further and support HUD. For FY 2002 FHIP applications, address the following:

A. *EOI.* (i) Applicants that are faith-based and other community-based organizations that propose to either partner or sub-contract with faith-based and other community-based organizations in conducting their work programs will receive one point under this sub-factor. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s).

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who partner or sub-contract with faith-based or community based organization in conducting their work program and submit a referral process will receive two points.

(b) Applicants who partner or sub-contract with faith-based or community-based organization in conducting their work program and do not submit a referral process will receive one point.

(ii) Up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s), and

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and submit a referral process will receive three points.

(b) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and do not submit a referral process will receive two points.

B. PEI, FHOI, and EOI—Disability

Should discuss their project purpose and proposed activities, persons to be served, geographic areas and methodology.

In addition. If you apply under the:

EOI. Describe how activities or final products can be used by other organizations and agencies. Also, describe the elements of the complaint referral process you will develop as a task under this grant. Explain how this referral process will result in an increased number of referrals to HUD.

FHOI. Over the course of the grant, the sponsored organization must conduct fair housing-related enforcement activities and leverage non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when evaluating your application.

PEI/FHOI. Describe a procedure to ensure that referrals of all complaints are made as required by this NOFA. Your description should include safeguards to ensure that referred complaints are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

You may conduct limited outreach activities (for PEI and for FHOI), as described in section IV (B)(2). This must be reflected clearly in your SOW and Budget.

(2) (5 Points) *Performance Objectives and Measures.* Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. You will receive higher points under this subfactor if your application clearly states a specified set of performance criteria and outcomes that can be measured. Clearly identify the results of the proposed activities and what you will use to measure performance. The expected outcomes of your proposed activities should support HUD's strategic goal of ''Ensuring Equal Opportunity and Access to Housing.'' You will receive fewer points if you fail to develop measurable objectives with respect to your stated activities.

Information Requirements. For PEI and FHOI, your application must include a description of the enforcement proposals to be referred to HUD. Your description must explain the information (see 24 CFR 121.2) you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in

place to ensure that referrals of all complaints are sent to HUD. Failure to provide this description of your procedure will result in the reduction of 2 points for this subfactor.

(3) (15 Points) *Proposed Statement of Work (SOW) and Financial Management.* The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget. See Section VI for submission requirements.

Statement of Work—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (e.g., you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors. The tasks identified in the SOW should be related to the proposed budget (See Appendix C for sample SOW).

Financial Management Capacity. Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

(4) (16 Points) *The Budget Form and the Budget Information*—HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response, you must prepare a budget that: (1) is reasonable and cost-effective in achieving the goals identified in your proposed SOW; (2) relates tasks in the SOW to the proposed budget costs; (3) is cost-effective; (4) is quantifiable based on the Need identified in Factor 2; and (5) documents and justifies all cost categories in accordance with the cost categories indicated in the Budget Narrative Workplan that is discussed in more detail in paragraphs (a) through (j) below.

Cost Effectiveness of Program. Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

FHOI Provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year 3.

In addition:

Your Non-Construction Programs SF–424A must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan must include information such as quotes obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget. It must explain and attach back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations 41 CFR 301.11) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the 10 page limit) must address the following for maximum points.

(a) *Direct Labor—by position or individual,* specify the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(b) *Fringe Benefits—by staff position,* identify the rate, the salary base on which the rate was computed, estimate the cost per position, and the total estimated fringe benefits cost;

(c) *Material Costs—indicate the item,* unit costs per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(d) *Transportation Costs*—where use of a local private vehicle is proposed, costs must indicate the proposed number of miles (travel costs should be consistent with Federal Travel Regulations), rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destinations, the estimated costs, and the total estimated costs for any other transportation costs.

(e) *Per Diem*—you must identify per diem or subsistence costs per travel day, the number of travel days, and the estimated costs for per diem/subsistence, which should total estimated transportation costs. You must use the Federal Travel Regulation for per diem rates for cities listed under ''Transportation Costs'' in your costs estimates.

(f) *Equipment charges*—must identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(g) *Consultant Costs*—indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(h) *Subcontract Costs*—identify each proposed subcontract and amount (each proposed subcontract must include a separate budget that identifies proposed costs by cost categories). If applicable, your project budget must include any costs related to subcontract(s) with the FHAP agencies and disability advocacy and/or traditional civil rights organizations that account for activities related to the subcontractor's role in the project. Your application must include a separate detailed budget for each subcontract.

(i) *Other Direct Costs*—listed by item, quantity, unit costs, total for each item listed, and total direct costs for the award; and

(j) *Indirect Costs*—identify your approved indirect cost rate base to which the rate applies and total indirect costs. If you do not have an accepted, federally negotiated indirect cost rate, you may use direct cost for all of your program costs. Alternatively you may develop a proposed indirect cost rate in accordance with Office of Management and Budget (OMB) Circular A–122, Cost Principles and Procedures for Non-Profit Organizations, and provide supportive documentation on this calculation. You must establish your approved indirect cost rate base in accordance with Circular A–122. Organizations that have previously

established indirect cost rates should not include direct costs in their indirect category.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

Firm Commitment of Leveraging. HUD encourages you to secure resources from sources other than what is requested from this program. Community resources may include funding or in-kind contributions, such as work space or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other HUD programs), public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must: (i) Identify the organization and/or individual committing resources to the project, (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of those resources (Do not include indirect costs within your in-kind resources. In-kind and matching contributions and Program Income must be in accordance with part 84.23 and 84.24). No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your community. The commitment is firm even if the offer is contingent upon HUD making an award under this program NOFA.

For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for PEI and EOI based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than 5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

For FHOI, 3 points will be awarded if more than 5%, but less than 10% of the project's total cost are from non-FHIP resources.

5 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

7 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you develop interrelationships, provide increased independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You are encouraged to join together and pool all available resources in a common, coordinated effort. You should relate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and create partnerships with other activities in the community. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(a) You have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner.

(b) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments;

(c) The extent to which your application addresses outreach activities to promote awareness of project activities. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those in your target areas. Such increased independence can result from such benefits as reducing discrimination practices, increasing awareness of the Act; increasing homeownership; eliminating barriers to housing choice or overcoming the impediments identified in the AI. For the EOI—Disability Component, you should demonstrate how the activities will assist the Department in implementing the Olmstead Supreme Court decision.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on State, local and private funding so your activities can be continued after your grant award period is completed.

E. Factors for Award Used To Evaluate and Rate Applications for the National Education and Outreach Initiative Program

The factors for rating and ranking applicants and the maximum points for each factor, are provided below. The maximum number of points awarded any application is 100. Bonus points are not available for this category of funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large information campaign projects as appropriate, on a national scale. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

(5 Points) General Description of Applicant Organization and Relevant Experience.

In rating this factor, HUD will consider the extent to which the applicant demonstrates:

(a) The qualifications of the applicant organization; the type of organization (e.g., public, private, non-profit, for profit); and the organization's general areas of activity or line of business.

(b) If the applicant has managed large, complex, interdisciplinary projects, the applicant must include information on them in its response.

(c) Awards and major accomplishments of the applicant organization must be described. HUD will also consider any documented evidence, such as performance reviews, newspaper articles, or monitoring findings that may reflect positively or negatively upon the ability of the applicant and its proposed staff to perform the work.

(d) The applicant's capability in handling financial resources with adequate financial control procedures and accounting procedures. In addition, HUD will consider findings identified in applicants' most recent audits; accuracy of mathematical calculations; and other available information on financial management capability.

(i) For the Media Campaign Component—Applicants must describe their ability to effectively develop, implement, and manage a media campaign on a national scale. (Applicants must be or include as part of their proposal a subcontract with an established media/advertisement organization that has experience in conducting national media campaigns.) Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their and/or subcontractor's ability to implement a coordinated national marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this subfactor, the applicant must describe the extent to which its and/or subcontractor's past activities have resulted in successful national media campaigns as appropriate, especially with respect to developing and implementing innovative strategies resulting in positive public response.

(ii) For the Fair Housing Awareness Component—Applicants must describe their ability to develop, implement and manage a national campaign to raise the public's awareness of subtle abusive and deceptive discriminatory housing loans and mortgage lending practices. You must describe your ability to understand fair housing issues/policies/practices. In responding to this subfactor, describe your knowledge of the sub-prime lending market and your past experience in developing and implementing innovative strategies in combating subtle abusive and deceptive lending practices on a nationwide basis.

(10 Points) Specific Description of Staff for Proposed Activities. The applicant must demonstrate that it has or will have sufficient personnel or will be able to quickly access qualified experts or professionals to deliver the proposed activities timely and effectively, including the readiness and ability of the applicant to immediately begin the proposed work program. Also the applicant must demonstrate relevant knowledge and experience of the overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. To demonstrate that the applicant has sufficient qualified personnel, the applicant must submit the proposed number of staff hours for the sub-contractor, employees and experts to be allocated and availability of proposed staff to the project, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to the project, and the roles to be performed by each identified employee and expert. Highly competitive applications must demonstrate that proposed staff has at least 3 years of recent and relevant experience to undertake eligible program activities or projects similar in scope or nature and directly relevant to the work activities proposed. Finally, applicants should describe their or their sub-contractor's expertise in languages other than English and in reaching the informational needs of non-English speaking audiences.

(5 Points) Consideration of Past Performance. Your past experience in terms of your ability to attain measurable progress in the implementation of your most recent and similar activities where your performance has been assessed. HUD will take into account your past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, state or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD will use information related to these measures based on information on hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following will apply to Fiscal Years 1998, 1999, and 2000 FHIP grantees:

5 points will be deducted if you obtained any ''fair performance'' assessment;

2 points will be deducted if you obtained any ''good performance'' assessment; and

0 points will be deducted if you obtained any ''excellent performance'' assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity's performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

3 points will be deducted for failing to meet target dates and schedules for performance; and

2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit reports will receive a lower score for this sub-factor than those that do.

Rating Factor 2: Need/Approach to the Problem (20 Points)

This factor addresses the extent to which the applicant documents and defines the national need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for dealing with that national need. In responding to this factor, an applicant will be evaluated on the following:

(1) The extent to which the applicant defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the problem, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the

problem as an indication of ability to address the problem; and

(2) If the applicant has experienced staff or if the applicant proposes to use a contractor subgrantee, the extent to which the applicant provides a rationale for how it will utilize its staff or a contractor or subgrantee to incorporate its proposed activities, methods, and media techniques will most effectively deal with the national need described by the applicant in response to subfactor (1), immediately above. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of the applicant's proposed work plan. The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

(5 Points) Measuring Performance Results. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance to ensure that commitments made and results to be achieved can be accounted for and independently assessed to ensure performance measurements are met. Applicants who have identified inputs and outcome measurements and included means for assessing these measures, tracking and monitoring performance goals and achievements against commitments made in the application will receive higher points than those that do not.

(15 Points) Statement of Work. Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and subcontractors.

For the Media Campaign Component—HUD anticipates that products will be available in at least 3 languages plus English. Deliverables may include Public Service Announcements (PSAs) for radio and television in both majority and minority markets, and posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged reproductions of several print PSAs, separately produced and printed posters for national public dissemination, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using a clipping service or other appropriate means to collect information on frequency and scope of the placement of ads.

For the Fair Housing Awareness Component—HUD anticipates that all proposed activities will be conducted in a manner that will reach and benefit those members of the public vulnerable to subtle abusive and deceptive mortgage lending practices (e.g. languages, formats, locations, distribution, use of minority media). Applicants may target such tactics as: Loan flipping, multiple refinancing transactions over short periods of time, balloon payments, insurance packing and other predatory lending tactics. Deliverables may include Public Service Announcements (PSAs) for radio and television, and posters and other graphic materials. Graphic materials may include, but are not limited to; enlarged reproductions of several print PSAs, and separately produced and printed posters for national public dissemination.

In evaluating this factor, HUD will consider the extent to which you submit and describe your:

(10 Points) Work Plan. Applications should include work plans that: (a) Clearly describe the specific activities and tasks to be performed, the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously, estimated completion dates, and the work and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements the applicant aims to deliver by the end of the award agreement period as a result of the work performed;

(b) Provide national media market coverage, specific protected class focus, as well as focus on persons underserved (ethnic and racial minorities, especially those who are non-English speaking or who are not proficient in English); and

(c) Describe the immediate benefits of the project and how the benefits will be measured. Applicants must describe the methods they will use to determine the effectiveness of their national marketing strategies.

(d) Ensure that your application adheres to Performance Measures as outlined in Section IV(A)(2).

(10 Points) Budget Form and Budget Information. A written budget narrative must accompany the proposed budget. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the 10 page limit) must address the following for maximum points:

(1) Cost estimates of salary levels, staff assignments, number of staff hours, and all other budget items are reasonable, allowable, and appropriate for the proposed activities;

(2) The proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact; and

(3) The proposed program is effective by explaining and attaching back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. A breakdown of each cost category is listed in Section V(D) of this NOFA.

In addition: (4) The proposed activities will be conducted in a manner (e.g., languages, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in the individual program sections of this National NOFA;

(5) How proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations and State and local governments; and

(6) The proposed Media Campaign and Fair Housing Awareness Components make available activities, training and meeting sites, and information services and materials in places and formats that are accessible to all persons including persons with disabilities.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses the ability of the applicant to secure other resources, which can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider:

The amount of non-FHIP resources you have identified and how firm the commitment is for those resources. HUD encourages you to secure resources from sources other than what is requested from this program. Resources may include funding or in-kind

contributions, such as workspace, donated media announcements, or equipment allocated to the purposes of your proposal. Resources may be provided by governmental entities (including other HUD programs) public or private non-profit organizations, for profit private organizations, or other entities willing to work with you in accordance with the proposed FHIP activities. If your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than 5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if more than 30% of the project's total costs are from non-FHIP resources. You must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals committing resources to the project. Each letter of firm commitment must: (i) Identify the organizations and/or individuals committing resources to the project; (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of these resources. No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your project area(s).

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you develop interrelationships, provide increase independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You should address the extent to which your program provides materials, training or services and implements a coordinated process of addressing the national need by using HUD funding resources and other available resources. You must also describe how they plan to use their affiliated branches, or partner with other organizations, to distribute materials or services developed under this National NOFA for use at the local level. In evaluating this factor, HUD will consider:

(a) The extent to which you have developed interrelationships to help build nation-wide efforts that coordinates the resources of multiple applicants and programs. HUD encourages multiple entities to join together and pool all available resources in a common, coordinated effort to obtain national geographic coverage. Describe in your proposal how your project activities will be coordinated with other organizations and linked with: (i) Other on-going HUD-funded program activities; (ii) Other on-going national, Federal, State, local or privately funded activities.

(b) The extent to which your application addresses outreach activities to promote awareness of project activities. This includes: (i) a discussion of how your methods or approaches will ensure that project activities and materials are distributed nationally, regionally, and locally to groups and organizations, (ii) identification of such groups and organizations in your project area, and (iii) an explanation of how your project will promote national coordination with various groups or organizations. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those on a national level. Such increased independence can result from such benefits as reducing discrimination practices; increasing awareness of the Act; increasing homeownership; or eliminating predatory lending practices.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(F) Applicant Notification and Award Procedures

(1) *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in Section V of the General Section of the SuperNOFA and Section VII of this NOFA.

(2) *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described at Section III of the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (i.e, a subcontractor, etc.).

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

(4) *Adjustments to Funding.* As provided in Section III of the General Section of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, or where:

(a) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(b) An ineligible activity is proposed in an otherwise eligible project;

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

(d) The past record of key personnel warrants special conditions; or,

(e) Training funds are not reserved for FHIP training.

(5) *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

(6) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving written request from the applicant, provide a debriefing to the requesting applicant. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting a debriefing must send a written request to Annette Corley, Public Trust Officer, U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street SW, Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances required of applicants to all HUD programs, which can be found in the General Section of the SuperNOFA, you must submit with each FHIP application, the forms, certifications and assurances described below and found at Appendix B.

In General

When applying under any Initiative or Component you must submit the following:

(A) *Transmittal Letter.* Your transmittal letter must identify: (1) The dollar amount requested, (2) the specific FHIP Initiative, or in the case of EOI, whether for the Regional/Local Community Based Program or the National Program, and the specific Component (General or Disability, Media Based or Fair Housing Awareness), for which you are applying, and (3) your preference for selection, if you are applying to more than one Initiative or Component (does not apply for FHOI).

(B) *Cover Page.* Respond to Applicant's Preference for Award which identifies your rank order preference if submitting more than one application. Failure to submit the Cover Page will result in a correctable Technical Deficiency as outlined in Section V of the General Section of this NOFA.

(C) *Narrative Statement.* Respond completely to the instructions under each of the five Factors for Award and include the related items, such as resumes, SOW, and budget. Failure to provide the required information in the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for developing a project synopsis, will not be considered when evaluating applications. The narrative responses must not exceed 10 pages per factor (required attachments are not counted); text must be double-spaced and pages numbered consecutively (starting with Factor 1 through the end of Factor 5). Please use 12 typesize for your narrative responses.

(D) Applicants must develop, maintain, and submit a written code of conduct as noted in the General Section.

Listed below are requirements by Factor for the Regional/Local Community Based Programs:

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative, Performance Assessments/Evaluation of Past Projects if Applicable

In addition:

For PEI and FHOI Applicants:

(1) *Testing Experience.* You must document your prior testing experience (see Factor 1: Capacity of the Applicant and Relevant Organizational Experience),

(2) *Letter of Determination from IRS* of your 501(c)(3) tax-exempt status, and

(3) *Statement of Eligibility.*

Award Factor 2: Need/Distress/Extent of the Problem

Narrative. Reference or submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability, and explain why the project area is underserved and why the proposed organization is needed. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative, Statement of Work, Budget Form(s), Budget Narrative

You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information. Failure to submit this information will result in points being deducted from your application. In addition, you must describe the information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints.

In addition: Depending upon the Initiative or Component for which you are seeking funding, you must respond to the following points in your narrative responses:

(a) For EOI Applicants, You must describe the elements you will use to develop the process for referring fair housing complaints to HUD.

(b) For FHOI Applicants,

(1) The sponsored organization must conduct all of these enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. The application must specify which activities will be conducted in year 1, year 2, and year 3. Even though HUD has targeted for award projects that assist rural and immigrant populations, you must explain why the proposed fair housing enforcement organization is needed.

(2) Performance Measures. You must address the following:

(i) the sponsored organization's capacity to become a viable, fair housing enforcement organization that conducts fair housing related enforcement activities and leverages non-FHIP resources.

(ii) that the sponsored organization will meet the required performance measures for sponsored organizations and how these measures will be achieved.

Award Factor 4: Leveraging Resources—Narrative. Letter(s) of Firm Commitment

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Listed below are the requirements by Factor for the EOI—National Program Components.

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative

Performance Assessments/Evaluation of Past Projects if applicable.

Award Factor 2: Need/Distress/Extent of the Problem—Narrative

Reference and submit data and studies that indicate the need for a centralized, coordinated fair housing media designed to educate the public about their fair housing rights. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative

SOW. Budget Form(s), Budget Narrative. You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information.

Award Factor 4: Leveraging Resources—Narrative

Letter(s) of Firm Commitment.

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Audit Information—Unless you are a new Federal applicant, you must submit a certification from an Independent Public Accountant or your cognizant government auditor, stating that the financial management system you employ meets prescribed standards for fund control and accountability required by: OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A–102 (as codified at 24 CFR Part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally-Recognized Indian Tribal Governments. This information must contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable. Failure to submit this information will result in points being deducted from your application. This information must be provided before HUD will enter into a grant or cooperative agreement.

VII. Corrections to Deficient Applications

Section V of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

IX. Authority

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

APPENDIX A—FREQUENTLY ASKED QUESTIONS

Q. If data, tables, exhibits, and studies are submitted with the application, will they be counted toward the 10 page limit requirement?

A. Yes. Summarize the points you want to make in the 10 page narrative statement from the data tables, exhibits, and studies.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. Yes.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY2002 FHIP SuperNOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What are the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 typesize. Points will be deducted from your application if this criteria is not met.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.)

Applicants to PEI and FHOI are required to complete the Statement of Eligibility—where they self-identify as a QFHO or an FHO and provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontactors or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, subgrantee, or consultant exceed 10% of the grant amount, an itemized budget is required.

Q. Is an organization ''engaged in testing for fair housing violations'' if it hires an organization to subcontractor or consultant in conducting its testing program?

A. Yes, so long as the applicant analyzes the test results, and undertakes some oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. See the eligibility requirements for each Initiative and Section IV(B) of the FHIP NOFA, and the Threshold Criteria in Section V(A).

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Are there major differences between this year's SuperNOFA and last year's?

A. Yes, those differences are explained in Section III of the FHIP NOFA.

Q. At what point may a FHOI ''sponsored organization'' apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under EOI and, depending upon its record of conducting enforcement-related activities, may be eligible to apply for funds under PEI.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the SuperNOFA under the Section Address for Submitting Applications.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. HUD will not acknowledge the receipt of applications over the telephone (see General Section for return receipt requirements).

Q. What is the website address?

A. Http//www.hud.gov/grants

Q. What is the due date?

A. The due date is outlined in this NOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Lauretta A. Dixon, Myron P. Newry, or Denise L. Brooks of the [FHIP/FHAP Support Division at (202) 708–0800 (this is not a toll-free number).] Persons with hearing or speech impairments may call 1–800–290–1617 (this is a toll-free number). Technical assistance does not extend to helping you to write your individual application, but to clarify general application and program requirements.

Q. What is meant by geographic diversity?

A. See comments above in Section V.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15% administrative costs?

A. No. The education and outreach expenses can be accounted for in the budget of the organization being established or enhanced.

BILLING CODE 4210–32–P

APPENDIX B

FHEO FIELD STRUCTURE – OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO OFFICES	DIRECTORS	TELEPHONE NO.	AREA COVERED
BOSTON Hub Thomas P. O'Neill Federal Bldg. 10 Causeway Street, Room 375 Boston, MA 02222-1092	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI
NEW YORK CITY Hub 26 Federal Plaza New York, NY 10278-0068	Stanley Seidenfeld	(221) 264-1290	NY, NJ
PHILADELPHIA Hub The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC, WV, DE
ATLANTA Hub 5 Points Plaza 40 Marrietta Street, SW Atlanta, GA 30303-3388	Gregory King	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY, TN, SC, NC
CHICAGO Hub Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH, IN
FORT WORTH Hub 1600 Throckmorton Street Fort Worth, TX 76113-2905	Thurman Miles (Acting)	(817) 978-9271	TX, AR, OK, LA, NM
KANSAS CITY Hub Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA

DENVER Hub 633 17TH Street Denver, CO 80202-3607	Sharon Santoya (Acting)	(303) 672-5434	CO, UT, WY, SD, ND, MT
SAN FRANCISCO Hub Phillip Burton Federal Bldg. 450 Golden Gate Avenue San Francisco, CA 94102-3448	Chuck E. Hauptman	(415) 436-6569	CA, HI, NV, AZ, Guam
SEATTLE Hub Seattle Federal Office Bldg. 909 1st Avenue, Suite 200 Seattle, WA 98104-1000	Judith Keeler	(206) 220-5170	WA, OR, ID

INCLUDE ALL TASKS SHOWN ON THIS FORM

STATEMENT OF WORK FOR

The applicant, _____, agrees to undertake the following activities in accordance with its FY 2002 application for funding under the _____ Initiative--_____Component (if applicable) for a ___-month project commencing _____, 2002 in the geographic area of _____. For FHOI, provide a timetable for transfer of activities/responsibilities from the sponsoring to the sponsored organization.

APPENDIX C - FORMS

Forms that must be filed with all FHIP applications, in addition to the forms listed in the **General Section** are included below:

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1.			GTR/GTM
2.			GTR/GTM
3.			GTR/GTM
4.			GTR/GTM
5.			GTR/GTM
6. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report	When changes occur	GTR/GTM
7. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities	Submit SF-269A and Copy of Written Report	Quarterly	GTR/GTM
8. Voucher for Payment	Submit payment request to LOCCS	Per Payment Schedule	GTR/GTM
9. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit Listing for Recipient and any contractors	45 Days and At end of Grant	GTR/GTM
10. Prepare summary of First Year (24 month grants)	Submit summary of first year accomplishments.	395 days	GTR/GTM

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
11. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis and issue and outcomes including Number of credible, legitimate Complaints Filed with HUD, State or local Fair Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results.	One month before end of grant term.	GTR/GTM
12. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
13. Submit 2 copies of Final Report and all Final Program Products produced under the Grant (with diskette, where feasible) to HUD.	Activities and database entry sheet(s) to HUD Copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM	Within 90 days after end of grant term.	GTR/GTM/

KEY PERSONNEL

Title _____ Name _____

PROGRAM ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	List of materials requested	90 days	GTR/GTM. Submit one copy of **all final products** to HUD
2. Review/refine referral process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney	Copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and resolution/type of relief sought and received. (PEI and FHOI PROJECTS ONLY)	Submit copy of Enforcement Log and a Report on number of enforcement proposals referred to HUD.	Quarterly	GTR/GTM

PROGRAM ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
4. Non-rental Testing methodology and tester training must be received/approved by HUD.	Submit testing methodology and tester training to HUD for review and approval.	60 days	GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM

BUDGET NARRATIVE WORKPLAN FORMAT

Name of Organization:
Budget Period: _____ months

Position or Individual	**Estimated Hours**	**Rate Per Hour**	**Estimated Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL DIRECT LABOR	$			$	$
Fringe Benefits	**Rate**	**Base**	**Estimated Cost**	**Federal Cost**	**In-Kind**
F.I.C.A.		$	$	$	$
Unemployment Insurance[1]		$	$	$	$
Health Insurance[2]		$	$	$	$
Workers Compensation[1]		$	$	$	$
TOTAL FRINGE BENEFITS	$			$	$
Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL MATERIALS	$			$ *	$
Local Travel	**Mileage/Fare**	**Rate/Mi.**	**Estimate Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
SUBTOTAL LOCAL TRAVEL	$			$	$

* Materials/Equipment prices must be supported by vouchers/cash register receipts of same or similar item or lease quotes from vendor at time of budget negotiation

[1] Rates may vary by State.

[2] Rates may vary by organization.

Air Travel Destination	Number of Travelers	Roundtrip Fare	Estimated Cost	Federal Cost	In-Kind Cost
	$	$	$	$	$
Subtotal Air Travel	$			$	$
Other Travel Items	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
Subtotal Other Travel	$			$	$
Per Diem Subsistence	**Number of Travelers**	**Number of Days/Rate Per Day**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
			$	$	$
Per Diem Subsistence	$			$	$
TOTAL TRAVEL	$			$ *	$
Equipment	**Quantity**	**Unit Cost**	**Estimate Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL EQUIPMENT COSTS	$			$ **	$
Consultants	**Days**	**Rate Per Day**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
Qq		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL CONSULTANTS	$			$ ***	$

* All travel must be grant related and rates not exceed the Federal rate

** Lease/purchase of equipment must be supported by three quotes at time of budget negotiation

***Daily rate for FY 2002 cannot exceed GS 15 Step 10, unless a waiver is obtained from Grant Officer

Subcontracts	**Rate/Service**	**Quantity**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
			$	$	$
TOTAL SUBCONTRACTS	$			$ *	$

Other Direct	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL OTHER DIRECT	$			$	$

Indirect	**Rate**	**Base**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
	**		$	$	$
TOTAL INDIRECT	$			$	$

	Total Estimated Cost	**Total Federal Cost**	**Total In-Kind Cost**
TOTAL COSTS	$	$	$
Amount To Enter on Form 424 Funding Matrix	$	$	$

*When individual subcontract fees exceed 10% of your grant amount, an itemized budget is required.

** If you have a Federally negotiated indirect rate, you should use that rate and the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only and you must use your organization's rate.

Cover Page FY 2002 FHIP Application

Check Initiative/Component (only one box) for which the application is being submitted. Submit a separate application for each Initiative/Project for which funding is sought.

Applicant Name _____

Initiative/Component	Catalog of Federal Domestic Assistance No.
Private Enforcement Initiative	14-410
Education and Outreach Initiative/Regional-Local-Community Based Program	14-409
General Component	14-409
Disability Component	14-409
National Program Media Campaign Component	14-409
National Program Fair Housing Awareness Component	14-409
Fair Housing Organizations Initiative	14-413

If you submit more than one application, you must indicate in the table below all Initiatives for which you are applying. In addition, if you apply for funding under more than one Initiative or Component, you must state your priority for selection and submit your preference in the table below. If you fail to submit your preference, your application will be deemed technically deficient.

Applicant's Preference for Award

Initiative/Component	Applied (Yes or No)	Rank-Order Preference
Private Enforcement Initiative		
EOI-Regional/Local/Community based **Disability Component**		
EOI-Regional-Local/Community based **General Component**		
EOI-National Program **Media Campaign Component**		
EOI-National Program **Fair Housing Awareness Component**		
Fair Housing Organizations Initiative		

Checklist for Completeness of Application

Use this checklist to ensure that your application includes all required items

Copy of SF-424 (Place a copy of the SF-424 and attached HUD-424-M (Matrix) on top of application package. See **General Section** for procedures on Consolidated Applications.
Transmittal Letter
Cover Page
Checklist for Completion of Applications
Project Abstract Outlining Project Activities
Code of Conduct
Factor No. 1 Narrative
Factor No. 1 Attachments: Performance Assessment/Evaluation of Past Performance, Statement of Eligibility, Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.
Factor No. 2 Narrative
Factor No. 3 Narrative
Factor No. 3 Attachments: Statement of Work, Budget Form(s), Budget Narrative, Audit Information.
Factor No. 4 Narrative.
Factor No. 4 Attachments: Letter(s) of Firm Commitment
Factor No. 5 Narrative.
Responses to Additional Requirements for Specific Initiative/Project

Application Forms and Certifications
SF-424 Application for Federal Assistance and HUD-424-M (Matrix)
SF-424-A Budget Information - Non-construction Programs
SF-424 B Standard Assurances - Non-construction Programs
Applicant Disclosure Report (HUD-2880)
Certification of Payments to Influence Federal Transactions (HUD-50071)
OMB SF-LLL Disclosure of Lobbying Activities
Certification for a Drug-Free Workplace (HUD-50070)
Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990), if applicable
Certification of Consistency with the Consolidated Plan (HUD-2991)
Certification Regarding Debarment and Suspension (HUD-2992)
List of Current or Pending Financial Agreements
Acknowledgment of Application Receipt (HUD-2993)
Client Comments and Suggestions (HUD-2994)
Certification of Key Personnel (HUD 40076)
Code of Conduct

STATEMENT OF ELIGIBILITY

The Completed Statement of Eligibility is required for all the Private Enforcement and Fair Housing Organizations Initiatives applicants. (You may attach additional pages if necessary.) Failure to complete and submit this Statement of Eligibility with the application will be deemed a 'technical deficiency'. (See Section V of the General Section of the SuperNOFA)

++

Check Appropriate Box: (Note: Only QFHOs are eligible for FHOI)

❑ **PRIVATE ENFORCEMENT INITIATIVE**

❑ **FAIR HOUSING ORGANIZATIONS INITIATIVE**

1) What is your organizational Status?

Is your organization a private, tax-exempt, nonprofit, charitable organization?

❑ **YES** ❑ **NO**

If yes, have you attached a copy of the "Letter of Determination" from the Internal Revenue Service confirming your status as a 501(c)(3) tax-exempt organization.

❑ **YES** ❑ **NO**

2) Are you a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) with at least one year's experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorius claims? If you check "no", you are not eligible under this initiative . if you check "yes", you must answer the remaining questions.

❑ **YES** ❑ **NO**

Please check whether you are a QFHO or an FHO as noted.

❑ **QFHO (entity with at least 2 years of enforcement-related experience)**

❑ **FHO (entity with at least 1 year of enforcement-related experience)**

3) Is your project broad-based and full service? If you check "no", your organization is not eligible to apply under this initiative. If you check "yes", you must answer the remaining questions.

❑ YES ❑ NO

4) Briefly describe your experiences in each of the following fair housing enforcement activities. Your organization must have engaged in each of these activities for at least one year in the two years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/continuous years, as long as each activity has been conducted for at least one year within the past two years. (Do not limit this description to FHIP funded enforcement activities.)

When responding to the following, include dates, so that HUD can readily determine whether you have met the "at least one year" requirement.

a) **Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).**

b) **Number of complaints referred to HUD for investigation.**

c) **Describe your testing program, types of tests (rental, sales, lending, insurance, and basis (e.g. race, color, religion, sex, disability, familial status, and national origin)), including number of tests conducted (both individual and systemic).**

d) **Describe the investigative experience, apart from testing, conducted by your organization.**

e) **Summarize the complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/non-monetary relief.**

5) Has your organization used FHIP funds for the payment of expenses in connection with litigation against the United States?

❑ YES ❑ NO

6) Has your organization used FHIP funds to settle a claim, satisfy a judgment or fulfill a court order in any defensive litigation?

❑ YES ❑ NO

_____ _____

Signature of Authorized Representative **Date**

***Certification is for FY 2002 NOFA**

All Current or Pending Grants/Contracts/Other Financial Agreements

All applicants are required to list all current or pending grants, contracts, or other financial agreements. The listing must include the name and address of the funding source, a brief description of the project services/activities, the start and end dates for the grant or contract, and the amount of the contract or grant. This list must be updated during the negotiations for any award under the FY 2002 FHIP, as provided for in the grant agreement schedule of articles.

A sample listing is provided below.

A blank form is provided for your use also, or you may submit the information in any convenient format.

Sample Format

Listing of Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Entity or Organization	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

If the current or pending grant is a FHIP grant, please include your FHIP grant number.

Listing of Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Entity or Organization	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

If the current or pending grant is a FHIP grant, please include your FHIP grant number.

APPENDIX D

FHAP AGENCY NAMES

NEW ENGLAND REGION

CONNECTICUT

State Agency: Connecticut Commission on Human Rights and Opportunities
Hartford, CT 06106

MASSACHUSETTS

State Agency: Massachusetts Commission Against Discrimination
Boston, MA 02108

Localities: Boston Fair Housing Commission
City of Boston Office of Civil Rights
Boston, MA 02201

Cambridge Human Rights Commission
Cambridge, MA 02139

MAINE

State Agency: Maine Human Rights Commission
Augusta, ME 04333-0051

RHODE ISLAND

State Agency: Rhode Island Commission for Human Rights
Providence, RI 02903-3768

VERMONT

State Agency: Vermont Human Rights Commission
Montpelier, VT 05633-6301

NEW YORK/NEW JERSEY REGION

NEW YORK

State Agency: New York State Division of Human Rights
New York, NY 10027

Localities: Rockland County Commission on Human Rights
Pomona, NY 10970

MID-ATLANTIC REGION

DELAWARE

State Agency: Delaware Division of Human Relations,
Wilmington, DE 19801

MARYLAND

State Agency: Maryland Commission on Human Relations
Baltimore, MD 21202

PENNSYLVANIA

State Agency: Pennsylvania Human Relations Commission
Harrisburg, PA 17101-2702

Localities: Pittsburgh Human Relations Commission
Pittsburgh, PA 15219

Reading Commission on Human Relations
Reading, PA 19601

York City Human Relations Commission
York, PA 17403

VIRGINIA

State Agency: Virginia Department of Professional and Occupational Regulation,
Fair Housing Administration, Real Estate Board
Richmond, VA 23230-4917

WEST VIRGINIA

State Agency: West Virginia Human Rights Commission
Charleston, WV 25301

Localities: Charleston Human Rights Commission
Charleston, WV 25301

Huntington Human Relations Commission
Huntington, WV 25701

DISTRICT OF COLUMBIA

District of Columbia Office of Human Rights
Washington, DC 20001

SOUTHEAST/CARIBBEAN REGION

FLORIDA

State Agency: Florida Commission on Human Relations
Tallahassee, FL 32302

Localities: City of Bradenton
Community Development Department
Bradenton, FL 34205

Lee County Office of Equal Opportunity
Fort Myers, FL 33901

Jacksonville Equal Opportunity Commission
Jacksonville, FL 32202

Orlando Human Relations Department
Orlando, FL 32801

Palm Beach County Office of Human Rights
West Palm Beach, FL 33401

Pinellas County Office of Human Rights
Clearwater, FL 33756

St. Petersburg Human Relations Department
St. Petersburg, FL 33701

Tampa Office of Human Rights
Tampa, FL 33602

Hillsborough County Board of County Commissioners
Tampa, FL 33602

KENTUCKY

State Agency: Kentucky Commission on Human Rights
Louisville, KY 40202-0069

Localities: Lexington-Fayette Urban County Human Rights Commission
Lexington, KY 40507

Louisville and Jefferson County Human Relations Commission
Louisville, KY 40202

GEORGIA

State Agency: Georgia Commission on Equal Opportunity
Atlanta, GA 30303-1605

NORTH CAROLINA

State Agency: North Carolina Human Relations Commission
Raleigh, NC 27603

Localities: City of Charlotte/Mecklenburg County Community Relations Committee (Charlotte)
Charlotte, NC 28202

City of Charlotte/Mecklenburg County Community Relations Committee (Mecklenburg County)
Charlotte, NC 28202

City of Asheville
Asheville, NC 28802

Asheville/Buncombe County Community Relations Council
Asheville, NC 28801

Durham Human Relations Commission
Durham, NC 27701

Greensboro Human Relations Department
Greensboro, NC 27402

New Hanover County Human Relations Commission
Wilmington, NC 28401

Orange County Human Relations Commission
Hillsborough, NC 27278

Winston-Salem Human Relations Commission
Winston-Salem, NC 27105

TENNESSEE

State Agency: Tennessee Human Rights Commission
Nashville, TN 37243

Localities: City of Knoxville Department of Community Development
Knoxville, TN 37902

SOUTH CAROLINA

State Agency: South Carolina Human Affairs Commission
Columbia, SC 29240

MIDWEST REGION

ILLINOIS

Localities: Springfield Community Relations Commission
Springfield, IL 62701

INDIANA

State Agency: Indiana Civil Rights Commission
Indianapolis, IN 46204-2255

Localities: Elkhart Human Relations Commission
Elkhart, IN 46516

Fort Wayne Metropolitan Human Relations Commission
Fort Wayne, IN 46802

Gary Human Relations Commission
Gary, IN 46402

Hammond Human Relations Commission
Hammond, IN 46320

South Bend Human Relations Commission
South Bend, IN 46617

MICHIGAN

State Agency: Michigan Department of Civil Rights
Lansing, MI 48913

OHIO

State Agency: Ohio Civil Rights Commission
Columbus, OH 43205-1379

Localities: Dayton Human Relations Council
Dayton, OH 45402

Parma Law Department
Parma, OH 44129-5593

Shaker Heights Fair Housing Review Board
Shaker Heights, OH 44120

SOUTHWEST REGION

LOUISIANA

State Agency: Louisiana Public Protection Division
Baton Rouge, LA 70801

OKLAHOMA

State Agency: Oklahoma Human Rights Commission
Oklahoma City, OK 73105

TEXAS
State Agency: Texas Commission on Human Rights
Austin, TX 78723

Localities: Austin Human Rights Commission
Austin, TX 78701

Department of Human Relations
Corpus Christi, TX 78401

City of Dallas Fair Housing Office
Dallas, TX 75201

Fort Worth Human Relations Commission
Fort Worth, TX 76102

Garland Office of Housing and Neighborhood Services
Garland, TX 75040

GREAT PLAINS

IOWA

State Agency: Iowa Civil Rights Commission
Des Moines, IA 50319

Localities: Cedar Rapids Civil Rights Commission
Cedar Rapids, IA 52401-1256

Davenport Civil Rights Commission
Davenport, IA 52801

Des Moines Human Rights Commission
Des Moines, IA 50309

Dubuque Human Rights Department
Dubuque, IA 52001-4932

Sioux City Human Rights Commission
Sioux City, IA 51101

Waterloo Commission on Human Rights
Waterloo, IA 50703

Mason City Human Rights Commission
Mason City, IA 50401

KANSAS

Lawrence Human Relations Commission
Lawrence, KS 66044

Community and Neighborhood Services Department
Olathe, KS 66061

Salina Human Relations Department
Salina, KS 67401

City of Topeka Human Relations Commission
Topeka, KS 66603

MISSOURI

State Agency: Missouri Commission on Human Rights, Department of Labor
Jefferson City, MO 65109

Localities: Kansas City (MO) Human Relations
Kansas City, MO 64106

NEBRASKA

State Agency: Nebraska Equal Opportunity Commission
Lincoln, NE 68509-4934

Localities: Lincoln Commission on Human Rights
Lincoln, NE 68508

Omaha Human Relations Department
Omaha, NE 68183-0502

ROCKY MOUNTAINS

COLORADO

State Agency: Colorado Civil Rights Division
Denver, CO 80202

NORTH DAKOTA

State Agency: North Dakota Department of Labor
Bismarck, ND 58505-0340

UTAH

State Agency: Utah Anti-Discrimination Division
Salt Lake City, UT 84114

PACIFIC/HAWAII REGION

ARIZONA

State Agency: Civil Rights and Conflict Resolution Section
Arizona Attorney General's Office
Phoenix, AZ 85007-2926

Localities: City of Phoenix Equal Opportunity Department
Phoenix, AZ 85003

CALIFORNIA

State Agency: California Department of Fair Employment and Housing
Sacramento, CA 95812

HAWAII

State Agency: Hawaii Civil Rights Commission
Honolulu, HI 96813

NORTHWEST/ALASKA REGION

WASHINGTON

State Agency: Washington State Human Rights Commission
Olympia, WA 98504-2490

Localities: King County Office of Civil Rights
Seattle, WA 98104-2628

Seattle Human Rights Department
Seattle, WA 98104-1849

Tacoma Human Rights Department
Tacoma, WA 98402

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING COUNSELING PROGRAM

PROGRAM OVERVIEW

Program Purpose. This program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate-income renters, and the homeless. The primary objectives of the program are to expand homeownership opportunities and improve access to affordable housing. Counselors provide guidance and advice to help families and individuals improve their housing conditions and meet the responsibilities of tenancy and homeownership.

Agencies funded through this program may also provide Home Equity Conversion Mortgage (HECM) counseling to elderly homeowners who are looking to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

Available Funds. Approximately $18.25 million.

Eligible Applicants. (1) HUD-approved local housing counseling agencies (LHCAs); (2) HUD-approved national and regional intermediaries; and (3) State housing finance agencies (SHFAs).

Application Deadline. May 17, 2002.

Match. No specific ratio required. However, in order to receive points under rating factor 4, applicants are required to demonstrate the commitment of other private and public sources of funding to supplement HUD funding for the applicant's counseling program. HUD does not intend for its housing counseling grants to cover all costs incurred by an applicant.

ADDITIONAL INFORMATION

I. Application Submission, Further Information and Technical Assistance

Application Submission. In addition to reviewing the applicable instructions below, all applicants should consult the General Section of this SuperNOFA and review the new security procedures that affect application submission.

Local Housing Counseling Agencies (LHCAs) and State Housing Finance Agencies (SHFAs) applying under Categories 1 and 3 must submit an original and two copies of a complete application to the Homeownership Center (HOC) whose jurisdiction includes the geographic area in which the applicant is proposing to work (see Appendix B.) *Applications submitted to a HOC must be mailed via the United States Postal Service.* HUD will not accept hand delivered applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the designated HUD office on or within fifteen (15) days of the application due date. *All applicants must obtain and save a Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time. Applications should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked ''FY 2002 Housing Counseling Grant Application.''

National and regional housing counseling intermediaries applying under Category 2 must submit an original and two copies of a complete application to Director, Program Support Division, Room 9166, Office of Single Family Housing, HUD Headquarters, 451 Seventh Street, SW., Washington, DC 20410. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.* The envelope should be clearly marked, ''FY 2002 Housing Counseling Intermediary Application.''

Mailed Applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the designated HUD office on or within fifteen (15) days of the application due date. All applicants must obtain and save a *Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent to HUD Headquarters by overnight delivery or express mail, your application will be considered on time if it is received before or on May 17, 2002, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Again, you must use one of the four carrier services listed above. Delivery by these services must be made during HUD Headquarters' business hours, between 8:30 AM and 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Grant Application—Colonias. Applicants applying under Category 4 must submit an original and two copies of a complete application to the Santa Ana HOC (see Appendix B.) The Santa Ana HOC will be evaluating all applications submitted from across the country. Applications should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked ''FY 2002 Housing Counseling—Colonias Application''. Applications submitted to a HOC must be mailed *via the United States Postal Service.* HUD will not accept hand delivered applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the Santa Ana HOC on or within fifteen (15) days of the application due date. *All applicants must obtain and save a Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time.

Application Kits. There is no application kit. Specific application submission requirements are outlined in Section V.

Further Information. Local housing counseling agencies and State housing finance agencies should call the HOC serving their area (See Appendix B for the contact information for the HOCs). National and regional intermediaries should contact HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Persons with hearing or speech impairments may access any of these numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. These are not toll free telephone numbers.

Satellite Broadcast. HUD will hold an informational broadcast via satellite for potential applicants to learn more about the program and the application. For more information about the date and time of the broadcast, consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

Under this SuperNOFA, approximately $18.25 million of the $20 million appropriated in FY 2002 is made available for eligible applicants, including $250,000 for counseling services that specifically target Colonias.

An allocation of up to $1 million of the $20 million total in program funding has been set aside for housing counseling support which may include continuation of the Housing Counseling Clearinghouse, tuition assistance for housing counselors, and/or other HUD counseling initiatives and activities. An allocation of up to $750,000 of the $20 million appropriated is available for the Home Equity Conversion Mortgage (HECM) Program, as provided in section 255(k) of the National Housing Act (12 U.S.C. 1715z-20).

III. Grant Categories/Eligible Applicants

Grant Categories—Under the Housing Counseling Program, HUD awards grants to qualified public or private nonprofit organizations to provide housing counseling services through four grant categories: (1) Local Housing Counseling Agencies (LHCA); (2) National and Regional Intermediaries; (3) State Housing Finance Agencies (SHFA); and (4) Agencies Serving Colonias.

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Grant Categories	*Who Eligible*	*Total Amount Available*
Category 1 – LHCAs	HUD-approved LHCAs	$6.6 million
Category 2 – Regional and National Intermediaries	HUD-approved regional and national intermediaries	$10.4 million
Category 3 – SHFAs	SHFAs	$ 1 million
Category 4 – Colonias	HUD-approved LHCAs, HUD-approved regional and national intermediaries, and SHFAs	$250,000

Eligibility—HUD-approved LHCAs, HUD-approved national or regional intermediaries, and SHFAs are eligible for funding under Category 4, Colonias, as described below. Applicants applying under Category 4 may also apply under

one of the other three categories, as described below. A separate application must be submitted for Category 4, in addition to an application for funding under any other category. See Section I, 'Application Submission,' above for details on where to submit applications.

HUD-approved LHCAs may only apply for and receive grants under Categories 1 and/or 4, *or* Category 4 and/or one sub-grant from an intermediary under Category 2 or 3. HUD-approved LHCAs that apply under Category 1 are prohibited from also applying for a subgrant from an intermediary under Category 2 or 3. LHCAs that are not HUD-approved, but are affiliates or branches of SHFAs or national or regional intermediaries, may apply for and receive only one sub-grant from an intermediary under Category 2 or 3, but not both, and/or a sub-grant from an intermediary under category 4, Colonias. They are not, however, eligible to apply directly under Category 4.

HUD-approved national and regional intermediaries may only apply for grants under Categories 2 and/or 4.

SHFAs may only apply for grants under Categories 3 and/or 4.

Category 1—Local Housing Counseling Agencies (LHCAs). Approximately $ 6.6 million is available from HUD to directly fund HUD-approved LHCAs.

Eligible applicants include private and public nonprofit organizations that secure HUD-approval as of the publication date of this SuperNOFA, and retain such approval through the term of any grant awarded. For information on securing HUD-approval as a LHCA, contact the HOC within whose jurisdiction you are located (see Appendix B).

Award: No individual LHCA may be awarded more than $100,000. HUD anticipates that the average award will be approximately $18,500.

Funding allocation: Funding is allocated to each HOC jurisdiction by a formula that reflects the increased emphasis on the expansion of homeownership opportunities for first-time homebuyers and HUD's intent to ensure appropriate geographical distribution of program funds.

Allocations for use in local agency programs by HOC are as follows:

HOC	Funding allocation
Philadelphia HOC	$1,861,698
Atlanta HOC	1,924,468
Denver HOC	1,469,281
Santa Ana	1,344,553
Total	$6.6 million

Category 2—National and Regional Intermediaries. Approximately $10.4 million is available from HUD to directly fund HUD-approved national and regional intermediaries.

Eligible applicants include private and public nonprofit organizations that secure HUD-approval as national or regional intermediaries as of the publication date of this SuperNOFA, and retain such approval through the term of any grant awarded. For information on securing HUD approval as an intermediary, contact the HUD Headquarters Program Support Division at (202) 708–0317.

Intermediaries provide sub-grants to affiliates. Eligible sub-grantees are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary as a sub-grantee. Intermediaries that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, Rev-4, CHG–1, for HUD-approved LHCAs. To be eligible for a sub-grant, affiliates must certify in the sub-grant agreement that they have not applied for or received a grant under Category 1, or a sub-grant from another intermediary under Category 2, or a sub-grant from a SHFA under Category 3.

Awards for HUD-approved national and regional intermediaries may not exceed $1.5 million and $500,000, respectively.

Category 3—State Housing Finance Agencies (SHFA). Approximately $1 million is available to fund SHFAs that provide housing counseling services directly or serve as intermediaries to affiliates who offer housing counseling services.

Eligible applicants are entities that satisfy the definition in 24 CFR 266.5 of a ''housing finance agency.'' SHFAs and eligible sub-grantees/affiliates do not need HUD-approval in order to receive these funds. HUD-approved LHCAs may apply to a SHFA as a sub-grantee. SHFAs that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, REV–4, CHG–1, for HUD-approved LHCAs. To be eligible for a sub-grant, affiliates must certify in the sub-grant agreement that they have not applied for or received a grant under Category 1, or a sub-grant from a HUD-approved intermediary under Category 2, or a sub-grant from another SHFA.

Award: There is no cap on the award amount that a SHFA, or its affiliates, may receive.

Funding Allocation: The amount of funding available to each of the four HUD Homeownership Center jurisdictions is as follows:

HOC	Funding allocation
Atlanta, GA	$254,285
Denver, CO	254,285
Philadelphia, PA	267,145
Santa Ana, CA	224,285
Total	1,000,000

Category 4—Colonias. Approximately $250,000 is available for housing counseling services that specifically target Colonias.

Eligible applicants include LHCAs and national or regional intermediaries that secure HUD-approval as of the date of the SuperNOFA publication, and retain such approval through the term of any grant awarded. SHFAs are also eligible.

Intermediaries provide sub-grants to affiliates. Eligible sub-grantees are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary as a sub-grantee. Intermediaries that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, REV–4, CHG–1, for HUD-approved LHCAs.

Award: There is no cap on the award amount.

IV. Eligible Activities

(A) Grantees or sub-grantees directly providing housing counseling services under Categories 1 through 4 may use their HUD housing counseling funds for one or more of the following eligible activities:

(1) *Pre-Occupancy Counseling.* This includes the following types of one-on-one counseling: pre-purchase, pre-rental, search assistance/mobility, fair housing, budgeting for mortgage or rent payments, money management, and housing care and maintenance. This also may include guidance on how to apply for housing assistance, how to identify and avoid predatory lending practices, as well as referrals to community or homeless services.

(2) *Homebuyer Education Programs.* These programs are housing related education programs in which educational materials are used in training sessions for multiple participants, including HUD's Homebuyer Education and Learning Program (HELP). For a typical homebuyer education program, participants complete eight to twelve

course hours. Agencies that provide this service must also offer individual counseling to complement group sessions.

(3) *Post-Purchase/Mortgage Default and Rent Delinquency Counseling.* This includes counseling on how to: restructure debt, obtain recertification for rent subsidy, establish reinstatement plans, seek loan forbearance, and manage household finances. This counseling can also include helping victims of predatory lending, educating clients on renter's and landlord's rights, explaining the eviction process, providing referrals to other sources, and assisting clients with locating alternative housing or pursuing loss mitigation strategies.

(4) *Post-Purchase/Post-Occupancy Counseling.* This includes education programs and counseling activities on property maintenance, personal money management, and relations with lenders and landlords.

(5) *Home Equity Conversion Mortgage (HECM) Counseling.* HECM counseling assists clients who are 62 years or older with the opportunity to convert the equity in their homes into income to pay living, medical or other expenses.

(6) *Home Improvement and Rehabilitation Counseling.* This counseling includes educating the client about: their loan and grant options, the loan and/or grant application processes, what housing codes and housing enforcement procedures apply for the intended activity, how to specify and bid construction work, how to enter into construction contracts, and how to manage construction contracts, including actions to address the non-performance of contractors.

(7) *Displacement and Relocation Counseling.* This counseling includes helping clients understand their rights when faced with displacement, explaining the responsibility of the entity causing displacement, assisting clients with understanding eviction proceedings, providing assistance with locating alternate housing, and referring clients to homeless services.

(8) *Marketing and Outreach Initiatives.* This includes providing general information about housing opportunities, conducting informational campaigns, and raising awareness about critical housing topics, such as predatory lending or fair housing issues.

Note: For each of the eight general activities you propose, you must be prepared to meet the needs of all individuals requesting services, including the disabled, regardless of the complexity of the services involved.

(B) *Intermediaries and SHFAs* can directly provide the housing counseling services described above in Section A, or distribute and administer grant funds and provide technical assistance and other services to affiliates, who are eligible to undertake any or all of the eligible housing counseling activities outlined above.

Intermediaries and SHFAs have wide discretion to decide how to allocate their HUD Housing counseling and leveraged funding among their affiliates, with the understanding that a written record must be kept documenting and justifying funding decisions. This record must be made available to affiliates and to HUD. Intermediaries and SHFAs must also execute sub-grant agreements with their affiliates and branches that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD.

V. Application Submission Requirements

All applicants must meet the requirements listed in Section II of the General Section of the SuperNOFA. Because applications will be handled by various staff members, applications must be bound or secured in a binder, tabbed, and organized as instructed in the General Section of this SuperNOFA, and materials must be submitted in the order in which they appear in this NOFA. Use the checklist below to organize your application.

(A) *All applicants.* Unless indicated below, all applicants must submit the following:

(1) *The standard forms, certifications, and assurances* listed in Section II(H) of the General Section of the SuperNOFA (collectively, referred to as the ''standard forms'').

(2) *HUD-approval.* Each applicant is required to submit evidence of HUD-approval as a housing counseling agency, unless the applicant is a SHFA that satisfies the definition of a ''housing finance agency'' in 24 CFR 266.5.

(3) *Form HUD–9902, Housing Counseling Agency Fiscal Year Activity Report,* for fiscal year October 1, 2000 through September 30, 2001. If you did not participate in HUD's Housing Counseling Program during October 1, 2000 through September 30, 2001, this report should be completed to reflect your counseling workload during that period. A copy of this form is included in Appendix A of this SuperNOFA.

(4) *The Congressional District(s), including the names of the current Senators and Representatives,* in which your proposed activities are to occur.

(5) *Narrative statements* addressing the following five Rating Factors. Responses to the rating factors should provide HUD with detailed quantitative and qualitative information and relevant examples regarding the housing counseling work of your organization. For applicants applying under Category 4, Colonias, narrative statements must address how you will meet the needs of the Colonias you target.

Please be as specific and direct as possible. Responses to each factor should be limited to 10 double-spaced, single-sided pages. However, if you feel you need to include more information to make your case, you should feel free to do so.

Rating Factor 1: Capacity—Readiness and Effectiveness (30 Points)

This factor addresses the readiness and ability of an applicant to immediately begin the proposed work program, as well as the potential for an applicant to cost-effectively and successfully implement the proposed activities indicated under rating factor 3. In rating this factor, HUD will consider the degree to which the applicant, and, if applicable, affiliates:

(1) (10 points) Has sufficient personnel with the relevant knowledge and experience to implement the proposed activities in a timely and effective fashion. Experience is relevant if it corresponds directly to projects of a similar scale and purpose. Please submit:

—Names and titles of employees, including subcontractors and consultants, allocated to each proposed activity, as well as the corresponding staff hours for each task. Clerical staff should not be listed.

—Descriptions of each employee's, subcontractor's, or consultant's relevant professional background and experience related to the tasks they are to perform. Individual descriptions should be limited to one page.

(2) (20 points) Provide quality services in a cost-effective manner. Provide an overview, and submit any supporting data/evidence, of your organization's (and, if applicable, your affiliate organizations'') prior fiscal year performance. At a minimum, responses should:

—Describe your prior fiscal year's counseling results, as they relate to your last year's goals. Include total number of clients served, the major types of counseling conducted, the outcomes for clients as a result of the counseling.

—Identify all of the sources and amounts of funds for counseling in the previous fiscal year.
—Identify specific uses of counseling funds in the previous year, such as staff costs, and the total costs for each use. Justify your expenses from the previous fiscal year to show that they were reasonable, allowable, and appropriate for the counseling activities identified above.

Characterize your performance in the past fiscal year at meeting the grant requirements for your housing counseling activities. Specifically indicate your performance at satisfying reporting requirements (such as Form HUD 9902)—indicate timeliness and completeness of your past reporting. Also indicate whether or not you fully expended grant awards for the past fiscal year. If not fully expended, provide an explanation as to why the funds were not fully expended and the steps you have taken to ensure that future funding will be expended in a timely manner.

HUD may also rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed activities described under rating factor 3.

(1) (10 points) Applicants must provide recent economic and demographic data, and any other evidence, that demonstrates need relevant to the target area and your proposed activities. Applicants that fail to identify objective data will receive no points for this factor. Responses to this factor must reference data sources that demonstrate the level of need for your proposed program of activities. To the extent that the community you serve has documented need in its Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), or other planning documents, reference these in your response. Economic and demographic data must include persons with disabilities located in the target area. The U.S. Census Bureau, for example, maintains disability data by state, county and metropolitan statistical area (MSA) at the following website address: *http:www.census.gov/hhes/www/disability.html*

(2) (5 points) Listed below are 6 FHA priorities that complement the Departmental priorities listed in Section VI of the General Section of the SuperNOFA. Please indicate which, if any, of the FHA or Departmental priorities your counseling activities will address and provide the data, and source of data, that supports the need in your target community for addressing this priority. You will receive one point for each FHA or Departmental priority you adequately address in your application, up to a total of 5 points.

—Retaining homeownership.
—Serving areas with concentrations of high default and foreclosure rates.
—Predatory lending.
—HECM.
—Fair housing.
—Serving areas underserved by financial institutions.

Rating Factor 3: Scope of Housing Counseling Services/Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposed housing counseling work plan, which describes all housing counseling activities to be performed. Work plans should include:

(1) (10 points) Your goals and objectives, geographic coverage / target areas, and the proposed housing counseling services and / or intermediary activities you propose to undertake. There must be a clear relationship between the proposed activities, community needs as outlined in Rating Factor 2, and the purposes of the proposed program for an applicant to receive points for this factor.

(2) (15 points) Benefits to be achieved, and indicators by which to measure performance, including the number of clients who will be served. If the number of clients you propose to serve exceeds by 25% or more the number of clients you served in your last reporting year (October 1, 2000 through September 30, 2001), you must demonstrate that you have the financial and human resources to adequately serve the additional clients.

(3) (15 points) Costs, time and resources associated with providing the proposed activities. Describe the level of effort you anticipate is required to meet the needs of your clients. Applicants should carefully document the variety and complexity of the services to be provided. Provide the hourly-labor rate and counseling time per client for proposed tasks to demonstrate the cost-effectiveness of the specific services provided.

Rating Factor 4: Leveraging Resources (10 Points)

HUD housing counseling funding is not intended to fully fund either an organization's housing counseling program, or that of its local affiliates. All organizations that use housing counseling grant funds and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding. Any agency that does not have other resources available will receive no points for this factor.

Applicants will be evaluated based on their ability to provide evidence that they have obtained additional resources for their housing counseling activities, including: direct financial assistance; in-kind contributions, such as services, equipment, office space; labor; etc. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities committed to providing you assistance.

In order to obtain points under this factor, the applicant must demonstrate leveraging by providing letters from entities and/or individuals committing resources to the project that include:

—The identity of the entity or individual committing resources to the project.
—Dollar value of the resources to be committed.
—Types of resources to be committed.
—Time period for which the resources will be provided. Commitment letter must demonstrate that funds will be available during the grant period pertaining to this NOFA, October 1, 2002 '' September 31, 2003.
—Responsibilities as they relate to your proposed program.
—The signature of an official of the entity legally able to make commitments on behalf of the entity.
—No conditions that would nullify the commitment. (It is, however, acceptable for the commitment to be conditional on HUD funding.)

Points for this factor will be awarded based on the satisfactory provision of evidence of leveraging and financial sustainability, as described above, *and* the ratio of requested HUD housing counseling funds to total budget, as follows:

Percentage	Points
1–10	10
11–15	9
16–20	8
21–25	7
26–30	6
31–35	5
36–40	4
41–45	3
46–50	2
51–99	1

Rating Factor 5: Coordination, Self-Sufficiency, and Sustainability (5 Points)

This factor addresses the extent to which the applicant is working towards addressing identified needs in a holistic and comprehensive manner through linkages with other organizations / activities in the community to help clients move to self-sufficiency. Sustainability refers to the potential for an applicant organization to become financially self-sustaining, and the potential of a specific project or activity to be sustained into the future absent of any HUD funding. In evaluating this factor, HUD will consider the extent to which applicants can demonstrate they have and will:

(1) Coordinate proposed activities with those of other groups or organizations, including, but not limited to, HUD funded housing counseling agencies, to coordinate the use of housing counseling and support services in your target area. Any written agreements or memoranda of understanding in place should be described and copies provided. The activities undertaken with other entities must be described in detail.

(2) Share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place should be described and copies provided.

(3) Actively participate in your community's Consolidated Planning process and the Analysis of Impediments to Fair Housing Choice (AI).

(4) Develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with other:

(a) HUD-funded projects/activities outside the scope of those covered by the target area's Consolidated Plan; and

(b) Federal, State or locally funded activities, including those proposed or on-going in the target area.

(B) *National and Regional Intermediaries and State Housing Finance Agencies* must provide the following:

(1) Identification of which affiliates will receive funding through this grant award. Applicants unable to identify which affiliates will receive sub-grants must explain why this is the case and what process will be used to select grantees. Pursuant to the applicable regulations at 24 CFR 84.82(d)(3)(iii) and 85.30(d)(4), grantees must receive HUD's written approval for sub-grants.

(2) Description of the activities of those affiliates, explicitly stating the types of services to be offered.

(3) Brief description of your relationship with your affiliates (i.e. membership organization, field or branch office, subsidiary organization, etc.).

(4) Brief description of the process that will be used to determine affiliate funding levels, distribute funds, and monitor affiliate performance, including compliance with the civil rights requirements outlined in the General Section of the SuperNOFA.

(C) *National and Regional Intermediaries* must provide a list of, and certify to, the states in which they maintain offices, including the national office and all affiliates or branch offices.

(D) *State Housing Finance Agencies* must submit evidence of their statutory authority to operate as a SHFA, and apply for, and use, any funds awarded.

VI. Application Selection Process/ Funding Policies

(A) *General.* Applications will be evaluated competitively, and ranked against all other applicants that applied in the same funding category. For Category 2, applications by national and regional intermediaries will be rated and ranked in HUD Headquarters. For Category 1, LHCAs, and Category 3, SHFAs, applications will be rated and ranked by the relevant HOC. The Santa Ana HOC will rate and rank all applications under Category 4, Colonias. The funding formula described below will be used to calculate award amounts.

(B) *Factors For Award Used to Rate and Rank Applications.* The Factors for Award, and maximum points for each factor, are outlined above in Section V (A)(5). These factors will be used to evaluate applications and the maximum number of points for each applicant is 100.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days, HUD will, upon receiving written requests from the applicant, provide a debriefing to the requesting applicant. Materials provided during a briefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to the person listed as the *Contact for further information and technical assistance* in Section I above.

(D) *Funding Methodology.* Only applicants who receive at least 70 points out of the 100 will be considered eligible for funding. All eligible applicants will then be funded in proportion to the score they receive.

This year's formula will work as follows for each category: every agency that receives a score of 70 points will receive a base award of $5,000, then will receive additional funds for every point above the 70 point cutoff. The total number of agencies with scores above 70 will be multiplied by $5,000 and that amount will be subtracted from the total available under the category, or in the cases of Categories 1 and 3, to the HOC. Then, the remaining balance will be divided by the total number of points each agency scores that are above the 70 point cutoff. The division will result in a dollar value for each point. The number of points that each agency scores above the 70 point base will be multiplied by that dollar value. The result of that multiplication will be added to the $5,000 base for the total award amount. For example, an agency with a score of 85 would receive $5,000 plus the dollar value for each point times 15 (15 being the number of points above the 70 point cutoff).

(E) *Grant Period.* Funds awarded shall be available for a period of twelve (12) calendar months. Applicants selected for award must receive prior HUD approval to incur costs prior to the date of the grant agreement. Grantees may incur pre-award costs ninety (90) calendar days prior to the effective date of the grant agreement All pre-award costs are incurred at the applicant's risk and HUD has no obligation to reimburse such costs if the award is inadequate to cover such costs or the award offer is withdrawn because of the applicant's failure to satisfy the requirements of this NOFA.

(F) *Award Instrument.* HUD expects to use a grant agreement, but it reserves the right to use the award instrument it determines to be most appropriate. All Housing Counseling Program awards shall be made on a cost reimbursement basis in accordance with the requirements in OMB Circular A–87, Cost Principles for State and Local Governments and Indian Tribal Governments; or OMB Circular A–122, Cost Principles for Non-Profit Organizations, as applicable to your organization; and the administrative requirements established in OMB Circular A–102, which was implemented by 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments); OMB Circular A–110, which was implemented by 24 CFR part 84 (Grants and Agreements with Institutions of

Higher Education, Hospitals and Other Non-Profit Organizations); and OMB Circular A–133 which was implemented by 24 CFR parts 84 and 85. If you receive an award you are also required to ensure that any sub-recipients also comply with the above requirements. OMB circulars can be found at *www.whitehouse.omb.gov.*

(G) *Financial Management Systems.* Applicants selected for funding must provide documentation demonstrating that the applicant's financial management systems satisfy the requirements in the applicable regulations at 24 CFR 84.21(b) and 85.20. Consistent with the requirements of the Single Audit Act Amendments of 1996 (31 U.S.C. §§ 7501–07), when the applicant expended $300,000 or more in Federal awards in its most recent fiscal year, such documentation must include a certification from, or most recent audit by, the applicant's Independent Public Accountant that the applicant maintains internal controls over Federal awards; complies with applicable laws, regulations, and contract or grant provisions; and prepares appropriate financial statements. The applicant will have at least thirty (30) calendar days to respond to this requirement. If an applicant does not respond within the prescribed time or responds with insufficient documentation, then HUD may determine that the applicant has not met this requirement and may withdraw the grant offer.

(H) *Indirect Cost Rate.* You must also submit documentation establishing your organization's indirect cost rate. Such documentation may consist of a certification from, most recent audit, or indirect cost rate agreement by, the cognizant Federal agency or an Independent Public Accountant. If your organization does not have an established indirect cost rate, you will be required to develop and submit an indirect cost proposal to HUD or the cognizant Federal Agency as applicable, for determination of an indirect cost rate that will govern your award. Applicants that do not have a previously established indirect cost rate with a Federal agency shall submit an initial indirect cost rate proposal immediately after the applicant is advised that it will be offered a grant and, in no event, later than three months after the effective date of the grant. OMB Circular A–122 established the requirements to determine allowable direct and indirect costs and the preparation of indirect cost proposals, and can be found at *www.whitehouse.omb.gov.*

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Applications will be declared ineligible for any of the following reasons:

—If you do not meet the Civil Rights Threshold Requirements set forth in Section II(B) of the General Section of this SuperNOFA.

—If you are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions from any Federal department or agency.

VIII. Program Requirements

Agencies selected as grantees or sub-grantees must comply with the following requirements:

(A) *General Requirements.* The requirements listed in Section II of the General Section of the SuperNOFA apply to this program.

(B) *Specific Requirements.* Programmatic requirements are outlined in detail in HUD Handbook 7610.1, REV–4, CHG–1, dated October 27, 1997, which can be viewed on HUD's website at *http://www.hud.gov/offices/hsg/sfh/hcc_home.cfm.* Additionally, the following also apply:

(1) *List of Agencies.* Pursuant to section 106 (C)(5) of the Housing and Urban Development Act of 1968, HUD maintains a list of all HUD-approved and HUD-funded counseling agencies, including contact information, which interested persons can access. All grantees under Categories 1 and 4, and sub-grantees under Categories 2 and 3, will be placed on this list and must accept subsequent referrals, or when they do not provide the services sought, refer the person to another agency in the area that does provide the services.

(2) *Accessibility*—All grant recipients and sub-recipients must make counseling offices and services reasonably accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant.

(C) *Religious Discrimination.* Grant recipients and sub-recipients are prohibited from:

(1) Discriminating on behalf of or against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.

(2) Requiring religious instruction or religious counseling, conducting mandatory religious services or worship, engaging in religious proselytizing, and exerting religious influence in the provision of assistance under your housing counseling program.

(D) Entities that are subject to 24 CFR parts 84 and 85 (most nonprofit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (*See* Section 84.42 and 85.36(b)(3)). Consistent with regulations governing housing counseling programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct.

(E) *Performance Measurement.* Grant recipients are required to complete and submit a form HUD–9902, Fiscal Year Activity Report (APPENDIX A). The information compiled from this report provides HUD with its primary means of measuring your program performance.

(F) *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(9) and (12) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

IX. Authority

HUD's Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), and is generally governed by HUD Handbook 7610.1, REV–4, CHG–1, dated October 27, 1997.

Appendix A—Form HUD–9902, Fiscal Year Activity Report

Appendix B

Homeownership center	States
Philadelphia Homeownership Center, Mr. John Niebieszczanski Patrick V. McNamara Building SF Program Support Branch 4, 477 Michigan Ave. Rm. 1600, Detroit, MI 48226, For technical questions Contact: Robert Wright (215) 656–0527 x3406.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
Atlanta Homeownership Center, Ms. Gayle Knowlson, 40 Marietta Street, 8th Floor, Atlanta, GA 30303–2806, Contact: Fellece Sawyer-Coleman, (404) 331–5001, x2675.	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Denver Homeownership Center, Ms. Irma Devich, Wells Fargo Building, 633 17th Street, Denver, CO 80202–3607, Contact: Irma Devich, (303) 672–5216 x1980.	Arkansas, Colorado, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming
Santa Ana Homeownership Center, Mr. Jerrold Mayer, 1600 N. Broadway, Suite 100, Santa Ana, CA 92706–3927, Contact: Rhonda J. Rivera, Chief 1–888–827–5605, (714) 796–1200 x3210.	Alaska, Arizona, California, Hawaii, Oregon, Idaho, Nevada, Washington

BILLING CODE 4210–32–P

Housing Counseling Agency **Fiscal Year Activity Report**

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0261
(exp. 6/30/2002)

Read the Instructions and Public Reporting Statement on the back of this form.

Check here if this is a new address ☐

1. Counseling agency name and address

2. **Reporting Year (yyyy)**
from Oct 1, _____
to Sep 30, _____

3. **Number of Clients Counseled this Report Period**		All Counseling Activities	HUD Grant Activities
	1. Homeowners (mortgage paid off)		
	2. Mortgagors (own property covered by mortgage)		
	3. Potential Mortgagors (want to purchase housing)		
	4. Renters (occupy rental property)		
	5. Potential Renters (want to rent housing)		
	6. Homeless		
	7. Disabled Persons		
	8. Other		
	9. Total		
Race/ Ethnicity	a. American Indian /Alaskan Native		
	b. Asian /Pacific Islander		
	c. Black Non-Hispanic		
	d. Hispanic		
	e. White Non-Hispanic		

4. **Results of Counseling**		All Counseling Activities	HUD Grant Activities
Homeowners	10. Obtained a Home Equity Conversion Mort.(HECM)		
	11. Other		
	12. Total		
Mortgagors	13. Obtained a HECM		
	14. Brought mortgage current		
	15. Forbearance agreement		
	16. Mortgage assigned to HUD		
	17. Executed a deed-in-lieu		
	18. Sold their property		
	19. Mortgage foreclosed		
	20. Rented alternative housing		
	21. Other		
	22. Total		

		All Counseling Activities	HUD Grant Activities
Potential Mortgagors	23. Purchased housing		
	24. Decided not to purchase		
	25. Other		
	26. Total		
Renters	27. Purchased housing		
	28. Rented alt. housing		
	29. Other		
	30. Total		
Potential Renters	31. Purchased housing		
	32. Rented alt. housing		
	33. Other		
	34. Total		
Homeless	35. Occupied "transitional" housing		
	36. Occupied "emergency shelter"		
	37. Occupied permanent hsg. for handicapped		
	38. Entered public or prvt. section traditional hsg.		
	39. Other		
	40. Total		

5. HUD Grant Activity - Summary Data

HUD Grant No. From Block 3, Form HUD-1044	HUD Grant Amount From Block 14, Form HUD-1044	Number of Clients	Amount Invoiced
	Total		

6. Name of Person Authorized to Sign this Report

Title

Signature | Date (mm/dd/yyyy)

Previous editions are obsolete. ref. Handbook 7610.1 form **HUD-9902** (5/98)

Public reporting burden for this collection of information is estimated to average 1.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

This information is collected in connection with HUD's Housing Counseling Program, and will be used by HUD to determine that the grant applicant meets the requirements of the Notice of Funding Availability (NOFA) and to assign points for awarding grant funds on a competitive and equitable basis. The information is required to obtain funding under Section 106 of the Housing and Community Development Act of 1974. The information is considered sensitive and is protected by the Privacy Act which requires the records to be maintained with appropriate administrative, technical and physical safeguards to ensure their security and confidentiality.

Instructions for Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report

This **HUD Fiscal Year** Activity Report enables a HUD-approved housing counseling agency to report all of its housing counseling activity for clients with housing needs and problems. Paragraph 1-7A of the HUD Housing Counseling Program Handbook 7610.1 provides the definition of "client," "housing need," and "housing problem."

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the address you enter is a new address, check the box indicating this change.
2. **Enter Report HUD Fiscal Year** - This is an annual report covering the HUD Fiscal Year. Indicate the HUD Fiscal Year covered by the report. Even if your agency was approved by HUD for less than the full year report period, include clients counseling during the full report year.

General

Clients - Please remember that you report **clients** as defined in paragraph 1-7A of HUD's Housing Counseling Program Handbook 7610.1. You are **not** reporting the number of individual persons you counseled.

Examples:

a. A **husband and wife** or a **brother and sister** or **three friends** who are mortgagors under the same note count as **one client**.

b. **Three renting families** who experience the **same problem** with the **same landlord** and come to your agency together for assistance count as **one client**.

Columnar Entries - The report contains two data columns.

a. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grants.

b. **HUD Grant Activities** - Enter data covering **only** counseling provided under one or more HUD counseling grants during the report period. include this data in the "All Counseling Activities" column.

3. **Clients Counseled This Report Period** - Enter the number of clients to whom you provided counseling during the report period. This might include clients who entered your work l load the previous report period but you carried over into and counseled during the current report period.
Enter the client count in the box that best describes the status of the clients when they first entered your work load.

Disabled Person - A person reported on this line is defined in the Fair Housing Act, Sec. 802 (h) as follows:
Handicap means, with respect to a person -- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802))."

Homeless - A client reported on this line must meet the definition for "homeless" or "homeless individual" set forth in Section 103., General Definition of Homeless Individual, of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77).

Racial/Ethnic Categories - Enter number of clients to whom you provided counseling during this period.

a. **White (Non Hispanic)** - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

b. **Black (Non Hispanic)** - A person having origins in any of the black racial groups of Africa.

c. **Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

d **American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains, cultural identification through tribal affiliation or community recognition.

e **Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Other - Throughout the form, "other" provides a general category into which you place clients who do not fall under any specific category on the form.

4. **Results of Counseling** - You might achieve more than one result for the same client during the report year.
Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property.** Report both results on the appropriate lines.
5. **HUD Grant Activity - Summary Data** - Enter summary data from the "HUD Grant Activities" column for each grant under which you provided counseling during the report period. In the "Total" row, enter totals for the "No. of Clients" and the "Amount Invoiced' columns.
6. An authorized staff person must sign and date the report.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner-occupants in partnership with faith-based and other community-based organizations.

Available Funds. Approximately $80 million in Fiscal Year 2002.

Eligible Applicants. States, Indian Tribes or local governments. If you are a State or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by EPA.

Application Deadline. June 14, 2002.

Match. A minimum of 10% match in local funds.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application (an original and four copies) to HUD postmarked on or before 12:00 midnight, Eastern Time, on June 14, 2002, at the address shown below.

See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail or overnight delivery).

Application Submission Procedures. New Security Procedures. In HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Lead-Based Paint Hazard Control Grant Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact Ellis G. Goldman, Director, Program Management Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 112 (this is not a toll-free number). If you are a hearing-or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $80 million in Fiscal Year 2002 funds will be available for the Lead-Based Paint Hazard Control Grant Program.

(B) *Allocation of Funds/Grant Awards.* Both current or prior (previously funded) grantees or previously unfunded applicants are eligible to apply for grants of $1 million to $2.5 million. Approximately 32 to 40 grants will be awarded. Approximately 80% of the funds shall be available to current and prior Lead-Based Paint Hazard Control grantees. Applications from current and prior (previously funded) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants. A minimum score of 70 is required for fundable applications. Within the category of current and prior grantees, a new subcategory has been created this year to allow for the ''renewal'' of current grants that meet specific criteria. Current grantees (with active grants at the application deadline date) whose period of performance commenced on or after January 1, 2000 and that, in their most recent grant, have completed and cleared at least 65 % of the negotiated number of units and have expended, as evidenced by the drawdown from the HUD Line of Credit Control System (LOCCS), at least 45 % of their original HUD Federal grant award by March 31, 2002, are eligible to request up to $2 million to continue grant program activities for an additional 24 months after their current period of performance ends. By achieving the above referenced level of performance significantly ahead of the expected schedule, these grantees have demonstrated a clear basis for eligibility in receiving additional funds without the need to submit a full application in response to the SuperNOFA. The creation of this subcategory reflects the intention of this grant program to move towards more competitive performance-based awards. Applicants eligible to submit a ''Request for Renewal'' will be required to submit a Total Budget (Federal Share and Matching), work plan strategy and supporting materials prescribed in the application. In addition, grantees awarded grant funds under this subcategory will be required to meet the terms and conditions of their current grant agreement and any additional applicable requirements under this NOFA. Additional details and guidance will be provided in the application kit.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Lead-Based Paint Hazard Control Grant Program assists States, Indian Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned housing units for rental and owner-occupants. Appendix B (Eligibility of HUD Assisted Housing) and the application kit for this program will list the HUD-associated housing programs that meet the definition of eligible housing under this program.

(1) Because lead-based paint is a national problem, these funds will be awarded to:

(a) Maximize the combination of children protected from lead poisoning and housing units where lead-hazards are controlled;

(b) Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

(c) Stimulate cost-effective approaches that can be replicated;

(d) Emphasize lower cost methods of hazard control;

(e) Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

(f) Affirmatively further fair housing and environmental justice.

(2) The objectives of this program include:

(a) Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et. seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

(b) Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop cost-effective methods for identifying and controlling lead-based paint hazards;

(c) Development of comprehensive community approaches which result in integration of all community resources (governmental, faith-based and other community-based, and private businesses) to address lead hazards in housing;

(d) Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs that will continue after the grant period ends;

(e) Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system; and

(f) To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (*See* 59 FR 33881, June 30, 1994).

(B) *Eligible Applicants.* (1) To be eligible to apply for funding under this program, the applicant must be a State, Indian Tribe, or unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a single primary government or agency as ''the applicant.'' You may submit only one application. In the event you submit multiple applications, this will be considered a curable (minor) defect and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated. (See the General Section of the SuperNOFA, Section V, Corrections to Deficient Applications)

(2) Threshold Requirements. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA as well as any specific threshold requirements for applicants under the Lead Hazard Control Grant Program. Applications will not be rated or ranked if they do not meet the threshold requirements of Section II (B) of the general Section of the SuperNOFA.

(3) Consolidated Plans. (This requirement does not apply to Indian Tribes)

(a) If your jurisdiction has a current HUD approved Consolidated Plan, you must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) Contracts or other formal arrangements with faith-based and other community-based organizations. If selected for funding, local and State applicants must enter into contractual relationships or other formal arrangements with faith-based and other community-based organizations. Such relationships must be established prior to actual execution of the grant agreement. This requirement does not apply to Indian Tribes.

(5) EPA Authorization. If you are a State government or an Indian Tribal government, you must have an EPA authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Hazard Control Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant State or Indian Tribal government.

(6) Current or prior grantees that have not completed a minimum of 35 percent of the units in their most recent grant agreement as of March 31, 2002, are not eligible to apply under this NOFA.

(7) The eligibility factors discussed in paragraphs (1) through (5) above are threshold requirements. If you do not satisfy the appropriate eligibility requirements stated in these paragraphs, HUD will not review your application.

(C) *Eligible Activities.* HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income families with children under six, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Activities must be conducted in compliance with HUD's Lead-Safe Housing Rule, 24 CFR Part 35, and with any applicable requirements of a Training and Certification Program that has been authorized by the Environmental Protection Agency under the requirements of 40 CFR 745.320. Copies of HUD's Lead-Safe Housing Rule, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 1–800–424–LEAD and on the Internet at www.hud.gov.

(1) Direct Project Elements that you may undertake directly or through sub-recipients, include:

(a) Performing dust testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil.

(b) Conducting the required pre-hazard control blood lead testing of children under the age of six years (72 months) residing in units undergoing inspection, risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(c) Conducting lead hazard control, which may include: interim control of lead-based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Complete abatement of all lead-based paint or lead-contaminated soil is not acceptable as a cost-effective strategy unless justification is provided and subsequently approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, i.e., drip line or foundation of the structure being treated, and children's play areas.

(d) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.

(e) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(f) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Hazard Control grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation, weatherization, and other energy conservation activities.

(g) Conducting clearance dust-wipe testing and laboratory analysis.

(h) Engineering and architectural activities that are required for, and in direct support of, lead hazard control.

(i) Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for rehab contractors, rehab workers, homeowners, renters, painters, remodelers, maintenance staff, and others conducting renovation, rehabilitation, maintenance or other work in private housing; free delivery of lead sampling technician training, lead-based paint worker or contractor certification training; and subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors or lead sampling technicians.

(j) Providing cleaning supplies for lead-hazard control, and instructions or training in their use, to faith-based and other community-based organizations, homeowners, and renters in low-income private housing.

(k) Conducting planning, coordination, and training activities to comply with HUD's Lead-Safe Housing Rule (24 CFR part 35) that became effective on September 15, 2000. These activities should support the expansion of a workforce properly trained in lead-safe work practices which is available to conduct interim controls on HUD assisted housing covered by these regulations. The regulation and interpretive guidance about the rule are available from the National Lead Information Center at 1–800–424–LEAD or *www.hud.gov.*

(l) Conducting general or targeted community awareness, education or outreach programs on lead hazard control and lead poisoning prevention including educating owners of rental properties on the Fair Housing Act and offering educational materials in languages other than English and providing training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (*e.g.;* Braille, audio, large type).

(m) Procuring liability insurance for lead-hazard control activities.

(n) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(o) Conducting applied research activities directed at demonstration of cost effective methods for lead hazard control.

(p) Purchasing or leasing equipment having a per unit cost under $5,000.

(q) Purchasing or leasing no more than two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program, if not already available.

(r) Preparing a final report at the conclusion of grant activities.

(2) Support Elements.

(a) Administrative costs. There is a 10% maximum for administrative costs. Specific information on administrative costs is included in this Lead-Based Paint Hazard Control Grant Program section of this SuperNOFA.

(b) Program planning and management costs of sub-grantees and other sub-recipients. (D) *Ineligible Activities.* You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, except for the purchase of X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, the applicant must comply with the following requirements: (A) Conformance of proposed plans to Federal and State policies for Lead-Based Paint Hazard Control. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Rule, 24 CFR part 35, and as clarified in HUD's Interpretive Guidance about the rule. Activities must also comply with any additional requirements in effect under a State or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the Environmental Protection Agency pursuant to 40 CFR 745.320.

Budgeting

(1) *Matching Contribution.* You must provide a matching contribution of at least 10% of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the sole exception of Community Development Block Grant (CDBG) funds, Federal funds may not be used to satisfy the statutorily required ten (10) percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If you do not include the minimum 10% match in your application, the application will be rated lower during the evaluation process. If selected for an award, you will be required to provide evidence that the matching contribution requirement will be met before being given the grant.

(2) *Direct Lead Hazard Identification and Control Activities.* The budget proposed must show a minimum of 60 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of dust testing, hazard screens, lead inspections, risk assessments, lead hazard control services, and clearance examinations. Direct hazard control activities do not include relocation, blood testing of residents or workers, housing rehabilitation, training, community education, applied research, purchase of supplies or equipment, or administrative costs.

(3) *Lead-Safe Work Practice Training Activities.* For most applicants, at least two (2) percent of the total Federal amount in the budget proposal will be necessary to promote the expansion of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls and follow lead-safe work practices while performing work on HUD assisted housing units per the provisions of the HUD Lead Safe Housing Regulation 24 CFR Part 35(1330(a)(4)(iii)(v), and to safely repair, rehabilitate, and maintain other privately-owned residential property. Any applicant that proposes to use less than 2% of the total Federal amount for this purpose shall present evidence that there is currently in place a workforce that is sufficient in size and is properly trained to carry out the work under the Lead Hazard Control grant and the HUD Lead-Safe Housing Regulation.

(4) *Applied Research Activities.* You may identify a maximum of five (5%) percent of the total grant request for applied research activities.

(5) *Administrative Costs.* There is a 10% maximum for administrative costs as specified in Section 1011 (j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided in Appendix B of this NOFA and in the application kit.

(B) *Period of Performance.* The period of performance is 36 months for first time grant recipients. The period of performance for current and prior grantees is 30 months, except grantees receiving an award under a ''Request for Renewal,'' for which there is a 24-month period of performance.

(C) *Certified and Trained Performers.* Funded activities must be conducted by persons qualified for the activities according to 24 CFR part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

(D) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(E) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(F) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. This may be obtained from the SuperNOFA Clearinghouse.

(G) *Waste Disposal.* You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines may be purchased from HUD User (1–800–245–2691) or downloaded from the HUD website (www.hud.gov).

(H) *Worker Protection Procedures.* You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62—Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(I) *Prohibited Practices.* You must not engage in practices that are not allowed because of health and safety risks. Methods that generate high levels of lead dust shall be undertaken only with requisite worker protection, containment of dust and debris, suitable cleanup, and clearance. Prohibited practices include:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two (2) square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(J) *Proposed Exceptions to HUD Requirements.* Proposed methods that differ from HUD's Lead Safe Housing Rule will be considered on their merits through a separate HUD review and approval process after the grant award is made and a specific justification has been presented. HUD may consult with experts from both the public and private sectors. HUD will not approve methods that, in HUD's opinion, involve a lowering of standards that have the potential to adversely affect the health of residents, contractors or workers, or the environment.

(K) *Written Policies and Procedures.* You must have clearly established, written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation and

clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(L) *Continued Availability of Lead Safe Housing to Low-Income Families.* Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X. You must maintain a registry (listing) of units in which lead hazards have been controlled and ensure that these units are marketed to agencies and families as suitable housing for families with children under six. The grantee must notify the owner of the information that is collected so that the owner may make disclosure to tenants in accordance with the requirements under 24 CFR part 35, Subpart A.

(M) *Testing.* In developing your application budget, include costs for inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) *Testing.* (a) *General.* All testing and sampling shall conform to the current HUD Guidelines and Federal, state or tribal regulations developed as part of the appropriate contractor certification program. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines and the EPA lead hazard standards rule at 40 CFR part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, Subpart A.

(b) *Pre-Hazard Control.* A combined inspection and risk assessment is recommended. You should ensure that the results of the pre-hazard control investigation are sufficient to support hazard control decisions. When appropriate, you may elect to perform a lead hazard screen in lieu of an inspection or risk assessment.

(c) *Non-Identification of Lead Hazards from Paint, Dust, Soil.* In the event you propose to conduct lead hazard control work without identification of lead hazards from paint, dust, and soil, you must fully justify the technical and other rationale for such a proposal. HUD must approve such proposals. Approval is subject to HUD environmental review under 24 CFR part 50.

(d) *Clearance Testing.* Clearance dust testing must be conducted according to the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing rule (24 CFR part 35) for lead hazard control activities or other abatement. These are available at www.epa.gov and www.hud.gov respectively.

(2) *Blood lead testing.* Before lead hazard control work begins, each occupant who is under six years old must be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997).*

(N) *Cooperation With Related Research and Evaluation.* You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(O) *Data collection.* You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods.

(P) *Section 3 Employment Opportunities.* Please see Section II (E) of the General Section of the SuperNOFA. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to the Lead-Based Paint Hazard Control Program.

(Q) *Replacing Existing Resources.* Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

(R) *Certifications and Assurances.* You must include the certifications and assurances listed in the General Section of the SuperNOFA with your application.

(S) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

(T) *Conducting Business in Accordance With HUD Core Values and Ethical Standards.* If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct (See Section II(B)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.)

(U) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Too often, these businesses still experience difficulty accessing information and successfully bidding on Federal contracts. HUD regulations at 24 CFR 85.36(e) require recipients of assistance (grantees and sub grantees) to take all necessary affirmative steps in contracting for purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority business, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to *permit maximum participation by small and minority business, and women's business enterprises;*

(iv) *Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;*

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2)(i) through (v) above.

V. Application Selection Process

(A) *Rating and Ranking.* Only those applications that meet the threshold review requirements will be rated and ranked. HUD intends to fund the highest ranked applications receiving a minimum score of 70 within the limits of funding, but reserves the right to advance other eligible applicants in funding rank. A decision to advance an applicant will be based on work plan strategies that foster innovative local approaches or lead hazard control methods.

(B) *Award Offers.* In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s). If you are an applicant offered a reduced grant amount you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven-day limit, you shall be considered to have declined the award. Applicants may respond by e-mail, facsimile, or by mail.

(C) *Budget.* HUD will evaluate your proposed budget to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. Previously unfunded applicants may devote up to 36 months for the planning, implementation, and completion of lead hazard control activities. Current and prior grantees may devote up to 30 months, except those grantees awarded funds under the ''Request for Renewal,'' for which up to 24 months can be devoted to those activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A).

Note: Current grantees eligible to submit a ''Request for Renewal'' are to complete the required budget forms included in the NOFA and develop a work plan strategy for conducting lead hazard control program activities during the 24-month period of performance. Do not respond to the Factors for Award listed below. The application kit will provide additional guidance for submitting an application.

(D) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 106. This maximum includes six bonus points as described in Section III(C)(1–3) of the General Section of the SuperNOFA, which addresses EZ, Brownfield Showcase Communities, and a court-ordered consideration applicable to this program. A minimum score of 70 is required for fundable applications.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points for all applicants)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's staff'' for technical merit or threshold compliance, unless otherwise specified, includes any faith-based and other community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider:

(1) The applicant's recent, relevant and successful demonstrated experience (including governmental and faith-based and other community-based partners) to undertake eligible program activities. The applicant must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. The applicant must demonstrate that it has sufficient personnel or will be able to quickly retain qualified experts or professionals, to begin the proposed work program immediately after receiving an award and to perform lead hazard evaluation, lead hazard reduction, and other proposed activities in a timely and effective manner. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel), position descriptions, and a clearly identified organizational chart for the lead hazard control grant program effort must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project. The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, or similar work involving project management, and must be dedicated to the proposed program for a minimum of 75% of the time. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

(2) If the applicant received previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). Where the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. If you are a current or prior grantee, you must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work. The applicant must provide a description of its progress and performance in implementing the most recent grant award including the total number of housing units enrolled, assessed, in progress and completed and cleared as of the most recent calendar quarter. The applicant must also describe results from other lead hazard control grant program work plan activities and tasks including results from efforts undertaken to build local capacity for lead hazard control; in implementing HUD's Lead-Safe Housing Rule; ''mainstreaming'' lead-safe work practices into the private market; and in conducting effective education, outreach, and other training activities. The applicant should also cite specific instances in which the program has made a positive impact in the community. These impacts could include decreases in the number of children with elevated blood lead levels in the target area, average blood lead levels, and dust lead levels. In addition, activities undertaken to develop, enhance or expand the local infrastructure through collaboration should also be discussed.

In evaluating applications for funding HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State or local

programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information.

In evaluating past performance, HUD may elect to deduct points from the rating score as specified under the Factors for Award or set threshold levels for performance as specified in the funding announcement.

Rating Factor 2: Needs/Extent of the Problem (20 points for all applicants)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem and will be based on the evidence of lead poisoning, the presence of lead hazards, high risk children, and high risk housing in any proposed target area(s).

(1) Document a critical level of need for your proposed activities in the geographical area where activities will be carried out. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting such need as it applies to the targeted areas, rather than the entire locality or state.

(2) Document the following for the target area(s):

(a) Numbers and percentages of children less than 72 months of age

i. numbers and percentages of children with elevated blood lead levels

ii. numbers and percentages of children tested for blood lead levels,

(b) Economic and demographic data relevant to the target area, including poverty and unemployment rates;

(c) Relevant housing market data available from HUD, or other data sources, including the Consolidated Plan/Analysis of Impediments, Public Housing Authority's Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan, and;

(d) Other data relevant to the target area or jurisdiction that documents an unmet need for lead-safe housing. These data may include the number of units that have been occupied by lead poisoned children where the identified lead-based paint hazards have not been remediated; the number of lead-based paint health and/or housing code violations; or the number of pre-1978 or pre-1960 housing units anticipated to undergo rehabilitation in the next 12 months; the proportion or number of units with lead dust hazards; information about the principal sources of exposure in your community, their prevalence, and the segments and/or characteristics of the housing most affected by these exposure sources; and/or other information about housing condition.

(3) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) and other data sources support the extent of the problem, you should include references to the Consolidated Plan, the AI or other data sources in your response.

(4) Provide information about the areas targeted for lead hazard control activities (data may be available from State or local sources, included in your currently approved Consolidated Plan or AI, derived from current Census Data, or available from special studies). The information to be provided includes the following:

(a) The age and condition of housing;

(b) The number and percentage of very-low (income less than 50% of the area median) and low (income less than 80% of the area median) income families, as determined by HUD, with adjustments for smaller and larger families;

(c) The number and proportion of children under six years (72 months) of age at risk of lead poisoning;

(d) The extent of the lead poisoning problem in children under six years (72 months) of age in target areas and the overall jurisdiction; and

(e) Other socioeconomic or environmental factors that demonstrate a need to establish or continue lead hazard control work in your jurisdiction.

(5) You also must provide documentation of the priority that the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice has placed on addressing the needs you described. If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or the result of court orders or consent decrees, settlements, conciliation agreements, voluntary compliance agreements, and/or Childhood Lead Poisoning Prevention Programs or other relevant local initiatives you will receive more points than applicants that do not relate their program to identified needs.

(6) For you to receive maximum points for this factor, there must be a direct relationship between your proposed lead hazard control activities in the target area(s) and the documented community needs.

Rating Factor 3: Soundness of Approach (40 points for previously unfunded applicants and 50 points for current or prior grantees)

This factor addresses the quality and cost-effectiveness of your proposed work plan and the demonstrated performance of current and prior grantees both in terms of units completed and LOCCS draw downs). You should present information on your proposed lead-based paint hazard control program and describe how it will satisfy the identified needs. To the extent possible, describe a comprehensive strategy to address the need to protect targeted neighborhoods rather than individual units or homes. Your response to this factor must include the following elements:

(1) *Lead Hazard Control Work Plan Strategy* (32 points for previously unfunded applicants; 42 points for current and prior grantees). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 36-month period of performance (30 months for existing grantees) for your lead hazard control grant program. You should provide information on:

(a) *Implementing a Lead Hazard Control Program* (13 points for previously unfunded applicants; 6 points for current or prior grantees). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How the project will be managed and staffed, the steps taken to ensure the availability of lead-based paint contractors and workers to conduct lead hazard control interventions, and other activities needed during the planning phase of the program and prior to beginning actual lead hazard control intervention work. In addition, a detailed description of the selection process for sub grantees, subcontractors or sub-recipients, and how assistance and funding will flow from the grantee to the actual performers of work under the grant shall be provided.

(ii) The overall number of eligible privately owned housing units scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how referrals of eligible units from childhood lead poisoning prevention programs,

other health or housing agencies or health providers that serve children will be obtained. Also discuss how referrals from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, Home-funded housing programs or other sources will be obtained. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation in recruiting eligible units in the lead hazard control grant program.) (*See* Rating Factor 4 Leveraging Resources and Rating Factor 5 Coordination, Self-Sufficiency and Sustainability), Provide estimates of the total number of owner occupied and/or rental units that will receive lead hazard control. You should describe how the program will respond to the needs of children with elevated blood lead levels located outside the target area(s).

(iii) The degree to which the work plan focuses on eligible privately-owned housing units occupied by low-income families with children under six years (72 months) of age. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to match these units with low-income families with children under six years (72 months) of age in the future. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level, including your process for referring and tracking children with elevated blood lead levels for medical case management, and your capacity to rapidly complete lead hazard control work in their units. Also describe your process for referrals of EBL-occupied units that do not meet all the eligibility criteria for inclusion in the lead hazard control grant program. Provide estimates of the number of children you will assist through this program.

(iv) The lead hazard control financing strategy, including eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (e.g. use of grants, deferred loans and/or forgivable loans and the basis and schedule for forgiveness), and the role of other resources, such as private sector financing), as well as the entity that will administer the financing process. Describe any matching requirements proposed for assistance to rental property owners.

(v) You should describe how your proposed program will satisfy the stated needs in the Consolidated Plan. Describe how your proposed program will further and support the policy priorities of the Department, including promoting healthy homes; providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs; or providing educational and job training opportunities. Describe how your strategy will provide long-term benefits to families with children under six years of age. Describe whether any of the proposed activities will occur in an EZ/EC and how they will benefit the residents of those zones or communities.

(b) *Lead Hazard Control Outreach and Community Private Sector Involvement* (6 points for all applicants). Applicants are encouraged to solicit participation of faith-based and other community-based and private sector organizations to accomplish outreach and community involvement activities and to build long-term capacity and sustain accomplishments in the target area. Applicants that partner, fund, or subcontract with faith-based and other community-based organizations will receive higher points in this sub factor. Your application must describe:

(i) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this would include making materials available in alternative formats to persons with disabilities (*e.g.,* Braille, audio, large type), and in other languages common to the community to the extent possible.

(ii) Strategy for involving neighborhood or faith-based and other community-based organizations in your proposed activities. Your activities may include training (including training residents to screen houses through visual assessment and sampling), outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the level of substantive involvement during the review process.

(iii) Strategies and methodologies that affirmatively further fair housing and increase access to lead-safe housing for all segments of the population: homeowners, owners of rental properties, and tenants. This outreach should address ways to avoid housing discrimination against families with young children, and ways to ensure that all families will have adequate, lead-safe housing choices in the future.

(c) *Technical Approach/Performance* (13 points for previously unfunded applicants; 30 points for current or prior grantees). (Previously unfunded applicants are to respond to items (c) i–vii below)

(Current or prior grantees will be evaluated on the basis of cumulative unit production and cumulative LOCCS draw downs made under the grantee's most recent award for the period ending March 31, 2002. Current and prior grantees do not need to respond to items (c) i–vii below but are to provide a response for items viii and ix)

For Previously Unfunded Applicants

(i) Describe your process for the conduct of lead hazard evaluation (risk assessments and/or inspections) in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken. You may use the results of a valid risk assessment or inspection that had been previously performed within that past 6 months by certified inspectors or risk assessors in accordance with the HUD Guidelines if the report identified lead-based paint hazards and it is evident that hazards remain.

(ii) Describe your testing methods, schedule, and costs for performing blood lead testing, risk assessments, inspections and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (e.g., less than 0.5% or 1.0 mg/ square centimeter for lead in paint, or less than 40, 250, 400 mg/square foot for lead in dust on floors, sills and troughs respectively); or 400 ppm in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) which will be used. All testing shall be performed in accordance with applicable regulations.

(iii) Describe the lead hazard control methods and strategies that you will undertake and the number of units you will treat for each method selected (interim controls or hazard abatement). Complete abatement of all lead painted surfaces in all units is generally not acceptable as a strategy. In cases where only a few surfaces have lead hazards in a specific unit and abatement is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy. Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a

schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(iv) Schedule. Describe your expected schedule for the overall project. Discuss when you plan to perform lead hazard control on your first unit; and complete lead hazard control on all units in the lead hazard control program. Describe the schedule for a typical unit that will receive lead hazard control. Discuss the duration for referral/intake, enrollment and qualification; evaluation; hazard control; and clearance. Describe the schedule for emergency referrals (e.g. unit occupied by a child under the age of 6 years of age with an elevated blood lead level).

(v) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities, including providing the training needed to create a workforce properly trained in lead-safe work practices for units assisted or rehabilitated under other HUD programs, and any collaboration with local housing or health departments, rehabilitation programs or community development corporations to stage lead hazard control and rehabilitation in the same units.

(vi) Describe your contracting process, including development of specifications or adoption of existing specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(vii) Describe your plan for occupant protection or the temporary relocation of occupants of units selected for lead hazard control work. Describe any plan to avoid overnight relocation in small scale projects, consistent with 24 CFR 1345 (a)(2) and HUD's Interpretive Guidance J24, R18, and R19.You should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc.

For Current and Prior Grantees

(viii) If you are a current or prior grantee, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work. (*See* rating Factor 1)

(ix) If you are an existing or prior grantee, you must describe your progress in meeting the unit production goals included in your most recent lead hazard control grant award. If the unit production achieved is below the performance values (percentages of units completed) provided in the application kit, and no changes are proposed to your work plan, you should explain why the strategy in the earlier grant remains appropriate. Failure to provide this discussion will result in reduced points for this sub factor. In addition, the expenditure rate as reflected by the timely drawdown of HUD grant funds from the Line of Credit Control System (LOCCS) will be evaluated in conjunction with the achievement of the unit production goal.

(2) *Economic Opportunity* (4 points for all applicants). Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, and rehabilitation specialists, and others in lead-safe work practices. Describe how you will help to integrate lead-safety into other housing activities, such as meeting the requirements of the HUD Lead-Safe Housing Regulation in housing units rehabilitated or assisted with Federal funds.

Describe the methods to be used to provide economic opportunities for residents and businesses in the community. This discussion should include information on how you will promote training, employment, business development, and contract opportunities as part of your lead hazard control program. Grantees must comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR Part 135. Describe how you will accomplish the requirement by (1) providing training and employment opportunities for low and very low-income persons living within the grantee's jurisdiction, and by (2) providing business opportunities to businesses owned by low and very low-income persons living within the grantees jurisdiction.

(3) *Program Evaluation, Data Collection, and Research* (4 points for all applicants).

(a) Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information.

(b) Provide a detailed description of any proposed applied research activities. Describe the objectives, methodology and impact at the local level of the proposed research activities.

Rating Factor 4: Leveraging Resources (10 points for previously unfunded applicants; 5 points for current or prior grantees)

This factor addresses your ability to obtain other community and private sector resources that can be combined with HUD's program resources to achieve program objectives. Current and prior grantees will be evaluated on their ability to generate new and/or additional resources and partnerships with faith-based and other community-based organizations committed to increasing lead poisoning prevention activities.

(1) In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, and other entities partnering with you. Leveraging arrangements with rental property owners may have the benefits of increasing the efficiency of public lead hazard expenditures and creating a financial stake for rental property owners in the quality of lead hazard control work. Contractual or other formal relationships with faith-based and other community-based organizations are a requirement for State and local government applicants. Documentation of these relationships with faith-based and other community-based organizations must be provided in this application either by signed agreements or commitment letters. This requirement does not apply to applicants who are an Indian Tribe. You also may partner with other program funding recipients to coordinate the use of resources in your target area.

(2) You should detail any activities to increase the understanding of lead poisoning prevention in your community. This could include partnerships with childhood lead screening programs, collaboration with

ongoing health, housing or environmental research efforts which could result in a greater availability of resources, and efforts to build capacity for lead-safe housing.

(3) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. You may not include funding from any Federally funded program (except the CDBG program) as part of your required 10% match. Other resources from the private sector or other sources committed to the program that exceed the required 10% match will provide points for this rating factor. Contributions above the first 10% may include funds from other Federally funded programs, State, local, charity, non-profit or for-profit entities. You must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. This letter must describe the contributed resources that you will use in the program and the purpose for which they are designated. Staff in-kind contributions should be given a monetary value. If you do not provide letters specifying details and the amount of the actual contributions, those contributions will not be counted. Matching contributions required of rental property owners may be included as part of your match. Documentation and estimates for the amount of the match should be provided in the annex for this factor.

(4) Applicants will not receive full points under this rating factor if they do not submit evidence of a firm commitment and the appropriate use of leveraged resources under the grant program. Such evidence must be provided by including letters of firm commitment, memoranda of understanding, or other signed agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of faith-based and other community-based organizations in specific program activities, such as hazard evaluation and control; monitoring; and awareness, education, and outreach within the community. Describe how you will ensure that commitments to sub grantees specified in your proposal will be honored and executed, contingent upon an award from HUD.

Rating Factor 5: Coordination, Self-Sufficiency, and Sustainability (10 Points for previously unfunded applicants; 5 Points for current or prior grantees)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to prevent lead poisoning in your community's housing by using available HUD and other community resources. This factor consists of three elements: (1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner; (2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice, or improved living environments; and (3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on State, local, and private funding so your activities can be continued after your grant award period is completed. In evaluating this factor, HUD will consider how you have:

(1) Coordinated your proposed activities with those of other groups or organizations to best support and coordinate all known activities and the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place or proposed should be described. You should, at a minimum, describe the activities, in your metropolitan area or region, of other HUD Lead-Based Paint Hazard Control grantees, Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, Maternal and Child Health programs, State Medicaid agencies and child care providers, EPA grantees, EPA Regions and/or EPA-authorized certification and training programs, and other programs which are addressing lead poisoning prevention needs. Efforts undertaken to encourage non-profit organizations, including faith-based organizations, to participate in the program should be described. Coordination also includes providing technical assistance and training to neighboring or regional jurisdictions to facilitate the implementation of lead-based paint hazard control activities in those jurisdictions.

(2) Become actively involved (or if not currently active, describe the specific steps that will be taken to become active) in your community's Consolidated Plan and Analysis of Impediments processes and contribute information, action steps, and strategies to the element of the Consolidated Plan that has been established to identify and address the problem of childhood lead poisoning.

(3) Coordinated and integrated lead hazard control work with the local agencies responsible for housing rehabilitation, housing and health codes, and other related housing programs, as well as with the work of community development corporations, other faith-based and other community-based organizations and childhood lead poisoning prevention programs.

(a) Describe the degree to which lead hazard control work will be done in conjunction with other housing-related activities (*i.e.,* rehabilitation, weatherization, correction of code violations, and other similar work), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Describe plans to incorporate lead-based paint maintenance, and hazard control standards with the applicable housing codes and health regulations, including training of workers to conduct such activities.

(c) Describe plans to generate and use public subsidies or other private-sector resources (such as revolving loan funds) to finance future lead hazard control activities.

(d) Describe plans to develop public-private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing including the use of Community Reinvestment Act ''credits'' by lending institutions.

(e) Discuss efforts undertaken to coordinate activities of all agencies and organizations participating in any aspect of the proposed program,

(f) Describe specific plans and objectives to implement a registry of lead-safe housing that is available to the public, or to incorporate housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Such plans could include strategies on how the information would

be managed and made available to the public so that families (particularly low income families with children under age six) can make informed decisions regarding their housing options. Existing grantee applicants must address any registry of lead-safe housing and specifically discuss the availability, amount of information contained, and the use by members of the community.

(g) Detail the extent to which the policy of affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how your proposed work plan will support the community's efforts to affirmatively further affordable housing for all segments of the population. If you have an existing grant, you should discuss activities that have contributed to enhanced lead safe housing opportunities to all segments of the population.

(h) Describe plans to adopt or amend statutes, regulations, or policies that will more fully integrate lead hazard control into community policies and priorities.

(4) Describe efforts to coordinate and cooperate with other organizations that will lead to a reduction in lead risks to community residents. This could include such activities as free training to create a workforce properly trained in lead safe work practices, lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program.

(5) Describe how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

VI. Application Submission Requirements

(A) Applicant Information

(1) *Application Format.* The application narrative response to the Rating Factors is limited to a maximum of 25 pages. Your response must be typewritten on one (1) side only on 8 ½″ x 11″ paper using a 12-point (minimum) font with not less than ¾″ margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

(2) *Application Checklist.* Your application must contain the items listed in this Section VI(A)(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The application items are as follows:

(a) Transmittal Letter that identifies ''the applicant'' (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with faith-based and other community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of ''the applicant.'' If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) Checklist and Submission Table of Contents.

(d) Applicant Abstract. An abstract describing the goals and objectives of your proposed program (2 page maximum).

(e) Standard Form 424, Application for Federal Assistance.

(f) HUD 424M, Federal Assistance Funding Matrix.

(g) A detailed budget (total budget is the federal share and matching contribution) with supporting cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in the application kit for this program section of the SuperNOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. A minimum of 60% of the total Federal amount requested must be dedicated to direct lead hazard control activities. A sufficient amount of the total Federal amount must be dedicated to activities to create a workforce properly trained in lead-safe work practices. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF–424 will govern as the correct value.

(h) An itemized breakout (using the SF–424A) of your required matching contribution, including:

—Values placed on donated in-kind services;
—Letters or other evidence of commitment from donors; and
—The amounts and sources of contributed resources.

(i) Standard Forms SF–LLL and SF–424B, and HUD Forms 2880, 2990, 2991, 2992, 2993, 2994, 50070 and 50071.

(j) Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating faith-based and other community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(k) A copy of the lead hazard control element included in your current program year's Consolidated Plan. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.

(l) Narrative responses to the five rating factors.

(B) *Proposed Activities.* All applications must, at a minimum, describe the proposed activities in the narrative responses to the rating factors. Your narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5).

(C) *Applicant Debriefing. See* Section VII (E)(2) of the General Section of the SuperNOFA for information about applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** Notice, and for at least 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to the person or organization identified as the Contact under the section entitled For Further Information and Technical Assistance in the program section of the SuperNOFA under which you applied for assistance. Information provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon

which assistance was provided or denied.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with HUD regulations in 24 CFR Part 58, recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this funded program will be given guidance in these responsibilities.

IX. Authority

The Lead-Based Paint Hazard Control Program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

Appendix A

The non-standard forms, which follow, are required for your Lead-Based Paint Hazard Control Program application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

Appendix B

The description of ''Administrative Costs'' and the ''Eligibility of HUD Assisted Housing'' are included in this section of the NOFA.

BILLING CODE 4210–32–P

LEAD HAZARD CONTROL GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

		Cover page
☐	**Transmittal Letter**	
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	_____
☐	**Application Forms**	
☐	Standard Form 424 and SF 424A Section B	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD-424-M	_____
☐	Total Budget (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2991 Certification of Consistency with the Consolidated Plan	_____
☐	HUD 2992 Certification Regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required	
	☐ Form SF-LLL Not Required	_____
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	_____
☐	Performance Measure - Minimum of 35% of units in most recent HUD agreement were completed and cleared by March 31, 2002 as reported to HUD (**Current Grantees Only**)	_____
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Experience	_____
☐	2. Needs/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self Sufficiency, and Sustainability	_____
	Appendices	
☐	Appendix 1 - Material in support of Rating Factor 1	_____
☐	Appendix 2 - Material in support of Rating Factor 2	_____
☐	Appendix 3 - Material in support of Rating Factor 3	_____
☐	Appendix 4 - Material in support of Rating Factor 4	_____
☐	Appendix 5 - Material in support of Rating Factor 5	_____
☐	Appendix 6 - Materials relating to the application thresholds or forms. The Lead-Based Paint Element from the Consolidated Plan should be provided in this appendix.	_____
☐	Appendix 7 - Other materials related to the application (as required)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
LEAD HAZARD CONTROL GRANT PROGRAM

"REQUEST FOR RENEWAL GRANTS ONLY"

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	_____

Application Forms

☐	Standard Form 424 and SF 424A Section B	_____
☐	HUD-424-M	_____
☐	Total Budget (Federal Share and Matching)	_____

Threshold Requirements

☐	Period of Performance commenced on or after January 1, 2000	_____

☐ Performance Measures

(1) Minimum of 65% of the units in HUD agreement were completed and cleared by March 31, 2002 as reported to HUD

AND

(2) Minimum of 45% of Grant Funds were expended by March 31, 2002 as evidenced by the drawdown from the HUD Line of Credit Control System (LOCCS) _____

Note:
Current grantees that do not meet the threshold requirements listed immediately above may still be eligible to apply for Lead Hazard Control Grant Funds under the "Current and Prior" grantee category of this Notice of Funding Availability (NOFA). Grantees should review the requirements for submitting a proposal under the "Current and Prior" grantee category and pay particular attention to the Rating Factor Response requirements.

Required Supporting Materials

☐	Work Plan Strategy for the 24 months renewal period Developed in accordance with the Office of Healthy Homes and Lead Hazard Control Policy Guidance Issuance 2001-03 (available on the HUD Internet Web site at http://www.hud.gov/offices/lead)	_____

Appendices

☐	Appendix 1 - Materials relating to the application thresholds or forms.	_____
☐	Appendix 2 – Materials supporting work plan strategy	_____
☐	Appendix 2 - HUD 2993 Acknowledgment of Application Receipt	_____

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/offices/lead

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the
HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

APPENDIX B

Administrative Costs

I. PURPOSE

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Congress set a top limit of ten (10) percent of the total grant sum for the Grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the "administrative cost" of the grant, and is limited to ten (10) percent of the total grant amount. The balance of ninety (90) percent or more of the total grant sum is reserved for the sub-grantee/direct-performers of the lead-hazard reduction work.

II. ADMINISTRATIVE COSTS: WHAT THEY ARE NOT

For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low and moderate-income, private target housing: the term "administrative costs" should not be confused with the terms "general and administrative cost", "indirect costs", "overhead", and "burden rate". These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. ADMINISTRATIVE COSTS: WHAT THEY ARE

For the purposes of this HUD grant program, "Administrative Costs" are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total grant sum, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee and may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. ADMINISTRATIVE COSTS: DEFINITION

A. GENERAL

Administrative costs, are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III(C) of this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under NOFA Section III(C), or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own

segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. SPECIFIC

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated public agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity).

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of Grantee's general costs that are not directly attributable to specific projects or operating departments such as: The Mayor's and City Council's salaries and related costs; the costs of the City's General Council's office, not charged off to particular projects or operating departments; and the costs of the City's Accounting Department not charged back to specific projects or operating departments. (If Grantee has an established burden rate it should be used; if not Grantee shall be assigned a negotiated provisional burden rate, subject to final audit.)

Eligibility of HUD Assisted Housing

Eligibility of HUD-associated "eligible" housing units to participate under HUD's lead-based paint hazard control grant program

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The **Home** Program: **HOME** Investment Partnerships	Yes	**Housing - Multifamily Programs**	
HOPE for Homeownership of Single Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	**HOPE 2**: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	**Public and Indian Housing**	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD-TECHNICAL STUDIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HEALTHY HOMES AND LEAD TECHNICAL STUDIES

PROGRAM OVERVIEW

Purpose of the Program. To fund technical studies to improve methods for detecting and controlling lead-based paint and other residential health and safety hazards. The purpose of the Healthy Homes Initiative is to develop, demonstrate and promote cost effective, preventive measures to correct multiple safety and health hazards in the home environment that are associated with serious diseases and injuries in children. The purpose of the lead technical studies program is to improve methods for detecting and controlling residential lead-based paint hazards.

Available Funds. Approximately $2.5 million for healthy homes technical studies, and $1 million for lead technical studies.

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., State and local governments, and federally recognized Indian tribes are eligible to apply. For-profit firms also are eligible; however, they are not allowed to earn a fee.

Application Deadline. June 14, 2002.

Match. None required.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 14, 2002.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (*e.g.,* mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. For U.S. Postal Service and Overnight/ Express Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

Application Submission Requirements. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800-HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the Healthy Homes and Lead Technical Studies grant program. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the Internet at www.hud.gov.

For Further Information and Technical Assistance. You may contact: Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 115, or Ms. Curtissa Coleman, Grants Officer, extension 119 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

II. Amount Allocated

Approximately $2.5 million from HUD's FY 2002 Healthy Homes Initiative appropriation will be available to fund technical studies proposals and approximately $1 million from the FY 2002 lead technical assistance appropriation will be available to fund lead technical studies proposals in FY 2002. Grants or cooperative agreements will be awarded on a competitive basis according to the Rating Factors described in Section V(B). For technical studies under the Healthy Homes Initiative, HUD anticipates awarding 3 to 6 grants ranging from approximately $200,000 to approximately $1 million. For lead technical studies, HUD anticipates awarding 1 to 4 grants ranging from approximately $250,000 to approximately $1 million.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description. Background

(1) *General Goals and Objectives.* (i) The overall goal of the Healthy Homes and Lead Technical Studies program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of health and safety hazards in the home. Through the Healthy Homes Initiative, HUD is assessing and promoting new risk reduction techniques and technical studies on the control of key hazards described in Appendix A. Objectives to be addressed by these projects are:

(a) Investigation of the epidemiology of housing-related hazards and illness and injury.

(b) Development and assessment of low-cost test methods and protocols for identification and assessment of housing-related hazards.

(c) Development and assessment of cost-effective methods for reducing or eliminating housing-related hazards.

(d) Evaluation of the effectiveness of housing interventions and public education campaigns, and barriers and incentives affecting future use of the most cost-effective strategies.

(e) Investigation of the health effects on children living in deteriorated housing and the impact on their development and productivity.

(ii) The overall goal of the lead technical studies program is to gain knowledge to improve the efficacy and

cost-effectiveness of methods for lead-based paint hazard evaluation and control. HUD is especially interested in the following technical studies topics:

(a) Evaluation of interior and exterior lead hazard control methodologies, especially novel approaches;

(b) The effectiveness of ongoing maintenance activities in controlling lead-based paint hazards;

(c) Other areas of focus that are consistent with the overall goals of HUD's lead technical studies program.

A table of examples of current Healthy Homes and Lead Technical Studies projects being funded by HUD can be found in Appendix C. HUD has also developed resource papers on a number of topic areas of importance under the Healthy Homes Initiative, including mold, environmental aspects of asthma, carbon monoxide, unintentional injuries, and hazard assessment. These papers can be downloaded from HHI web site at www.hud.gov.

(2) *Healthy Homes Initiative.* The Healthy Homes Initiative (HHI) departs from the more traditional approach of attempting to correct one hazard at a time (e.g., asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov. A description of the HHI is available at the HHI website, www/hud.gov.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (e.g., asthma and mold-induced illness). While such hazards will tend to be found disproportionately in housing that is substandard (e.g., structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to this Healthy Homes and Lead Technical Studies program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to this Healthy Homes and Lead Technical Studies program section of the SuperNOFA lists the references that serve as the basis for the information provided in this Healthy Homes and Lead Technical Studies section of this SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and in particular low-income children. The overall goals and objectives of the HHI are to:

(i) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(ii) Build local capacity to operate sustainable programs that will continue to prevent and, where they occur, minimize and control housing-based hazards in low and very low-income residences when HUD funding is exhausted.

HUD recognizes that there are many key scientific and implementation questions related to this Initiative, some of which were articulated in the HHI Preliminary Plan. With this NOFA, HUD hopes to advance the recognition and control of residential health and safety hazards and more closely examine the link between housing and health.

(3) *Lead Technical Studies.* HUD has been actively engaged in a number of activities relating to lead-based paint as a result of the Lead-Based Paint Poisoning Prevention Act of 1971, as amended, 42 U.S.C. 4801–4846. Sections 1051 and 1052 of the Lead Based Paint Hazard Reduction Act of 1992 (''Title X'') (42 U.S.C. 4854 and 4854a) state that the Secretary of HUD, in cooperation with other Federal agencies, shall conduct technical studies on specific topics related to the evaluation and subsequent mitigation of residential lead hazards. The HUD-sponsored technical studies program also responds to recommendations that were made by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. The Task Force presented its final report to HUD and the Environmental Protection Agency (EPA) in July 1995. The Task Force Report, entitled ''Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing'' (see Appendix A of this technical studies program section of the SuperNOFA), recommended research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control.

The findings of technical studies will be used in part to update HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (''*Guidelines*''), which were published in June, 1995 and amended in September, 1997. The *Guidelines* are a report on state-of-the-art procedures for all aspects of lead-based paint hazard evaluation and control. The *Guidelines* reflect the Title X framework for lead hazard control, which distinguishes three types of control measures: interim controls, abatement of lead-based paint hazards, and complete abatement of all lead-based paint. Interim controls are designed to address hazards quickly, inexpensively, and temporarily, while abatement is intended to produce a permanent solution. While the *Guidelines* recommend procedures that are effective in identifying and controlling lead hazards while protecting the health of abatement workers and occupants, HUD recognizes that targeted technical studies and field experience will result in future changes to the *Guidelines*. For availability of the *Guidelines*, see Appendix A of this technical studies program section of the SuperNOFA.

(B) Eligible Applicants

Academic and not-for-profit institutions located in the U.S., State and local governments, and federally recognized Indian tribes are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (i.e., no profit can be made from the project). Federal agencies and Federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

(C) Eligible Activities

(1) *Healthy Homes Initiative, Eligible Activities*

(a) Evaluation of residential health and safety hazard assessment and control methodologies (including both existing methods and the evaluation of improved or novel approaches). Areas of particular interest to HUD include:

—Improving indoor air quality, such as through cost-effective approaches to upgrading residential ventilation or improving control/management of combustion appliances. Applicants should discuss how proposed approaches might affect energy residential energy costs (e.g., increasing air exchange rates resulting in an increase in heating costs).

—Improving or assessing the efficacy of current methods for residential Integrated Pest Management (IPM). IPM approaches focus on the use of economical means for managing pests, which incorporate information on the life cycles of pests and their

interaction with the environment, while minimizing hazards to people, property, and the environment (see link at www.hud.gov). HUD is particularly interested in IPM methods for reducing cockroach and/or rodent populations in multifamily housing.

—Controlling excess moisture and dust control measures (e.g., preventing track-in of exterior dust and soil, improved methods for interior dust cleaning) have been identified as key areas in the HHI Preliminary Plan.

— Additional ideas will be considered with an open mind toward novel techniques and applications.

(b) Low-cost analytical techniques for the rapid, on and off-site determination of environmental contaminants of concern (e.g., bioaerosols, pesticides, allergens).

—Establish and validate any necessary procedures, such as extraction and/or digestion that would work well with the field device/procedure.

—Improve old technology (e.g., colorimetric tests, titrimetric procedures) as well as examine and improve newer techniques.

—Consider the safety, environmental impacts, and cost of the procedure, particularly as used in the field.

In proposing technical studies within the broad topic areas discussed in III.C.2(a) and III.C.2(b), applicants should consider the following:

—The ''fit'' of the proposed hazard assessment and/or control methods within the overall goal of addressing multiple health and safety hazards in a cost-effective manner.

—The efficacy of the proposed methods for hazard control and risk reduction (e.g., how long is effective hazard reduction maintained?).

—Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness.

— Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities.

Although HUD is soliciting proposals for technical studies on these broad topics, HUD will also consider funding applications for technical studies on topics that are relevant under the overall goals and objectives of this program, as described above. In such instances, the applicant should describe how the proposed project activity addresses these overall goals and objectives.

Applicants should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD's Healthy Homes and Lead Hazard Control grants, which are widely distributed throughout the U.S. Information on current grantees is available at www.hud.gov.

You may address one or more of the technical studies topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area.

(2) *Lead Technical Studies, Eligible Activities.*

(a) *Evaluation of Interior and Exterior Lead Hazard Control Methodologies, Especially Novel Approaches.* Identify and evaluate new methods and/or techniques for lead-based paint hazard control. Identify materials and/or procedures that may be used for abatement or for interim controls. Show the potential utility of these methods for lead hazard control and risk reduction. Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness. Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities. Illustrate the results obtained, and the costs involved. Recommend cost-effective changes to the Program for inclusion in future HUD lead hazard control grants, and for possible inclusion in future revisions to the Guidelines.

(b) *The Effectiveness of Ongoing Maintenance Program Activities in Controlling Lead-Based Paint Hazards.* While a variety of lead abatement and interim control techniques have been evaluated for their effectiveness in controlling lead-based paint hazards at and after their implementation, there is limited study directly assessing the effectiveness of ongoing lead-based paint maintenance programs. Evaluate the effectiveness and feasibility of developing and implementing ongoing lead-based paint maintenance programs, identify program components for which particular implementation difficulties exist, and evaluate proposed measures for overcoming those difficulties. Such quantitative evaluation of program components could address whether and how technically-acceptable and cost-effective work practices are selected and implemented, how effective supervisors are in monitoring work activities to ensure that lead-based paint hazards are controlled and that dust and debris are contained and cleaned up during work, and how well clearance procedures (including necessary re-cleaning) are integrated into the maintenance program, among other factors.

(c) *Other Focus Areas that are Consistent with the Overall Goals of HUD's Lead Technical Studies Program.* Additional ideas will be considered with an open mind toward novel techniques and applications. Although HUD is soliciting proposals for technical studies on some specific topics, HUD will also consider funding applications for technical studies on topics which are relevant under the overall goals and objectives of the lead hazard control technical studies program, as described above. In such instances, the applicant should describe how the proposed activity addresses these overall goals and objectives.

(D) Ineligible Activities

(1) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(2) Medical treatment costs.

IV. Program Requirements.

(A) *Applicable Requirements.* Please refer to Section II of the General Section of the SuperNOFA, Requirements and Procedures Applicable to All Programs. The threshold requirements are listed in Section II B of the General Section of this SuperNOFA. Applicants must comply with these threshold requirements.

(B) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects HUD's Core Values. Refer to the General Section of the SuperNOFA for additional information.

(C) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Refer to the General Section of the SuperNOFA for applicable requirements.

(D) *Certifications and Assurances.* In addition to the certifications mentioned in the Section II(G) of the General Section of the SuperNOFA, you must comply with the following:

(1) All relevant State and Federal regulations regarding exposure to and proper disposal of hazardous materials.

(2) Any blood lead testing, blood lead level test results, and medical referral

and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC) *Preventing Lead Poisoning in Young Children,* (See Appendix B of this technical studies program section of the SuperNOFA).

(3) HUD technical studies grant funds will not replace existing resources dedicated to any ongoing project.

(4) Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program.

(5) Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60.

(6) The requirements of OSHA (e.g., 29 CFR part 1910 and/or 1926, as applicable), or the State or local occupational safety and health regulations, whichever are most stringent, will be met.

(E) *Period of Performance.* The period of performance cannot exceed 36 months from the time of award.

(F) *Conducting Business in Accordance with HUD core Values and Ethical Standards.* If awarded assistance under this Super NOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See Section II(A)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

V. Application Selection Process

(A) *Submitting Applications for Grants.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in Section V (B) of this program section of the SuperNOFA. Your application must receive a total score of at least 70 points to remain in consideration for funding.

Awards will be made separately in rank order for Healthy Homes Technical Studies applications and Lead Technical Studies applications, within the limits of funding availability for each program.

Within each of the two technical studies programs, you may address more than one of the technical study topic areas within your proposal (e.g., a HH technical studies applicant can address multiple topics consistent with the HHI program objectives), or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area. While you will not be penalized for not addressing all of the specific objectives for a given topic area, if two applications for technical study in a given topic have equal scores, HUD will select the applicant whose project addresses the most objectives.

You are encouraged to plan projects that can be completed over a short time period (e.g., 12 to 24 months from the date of award) so useful information generated from the technical studies can be available for policy or program decisions and disseminated to the public as quickly as possible.

Regarding the amount to be awarded to the selected applicants, please refer to the Negotiations section in the General Section of this SuperNOFA.

(1) *Use of Residual Funds.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of fourteen (14) calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

(B) *Rating Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The factors or their assigned points differ somewhat from those used for most program areas included in this SuperNOFA because they have been amended for rating the unique aspects of technical study applications. The maximum number of points to be awarded is 100. The EZ/EC bonus points described in the General Section of the SuperNOFA do not apply to this Technical Studies NOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 Points)

This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of you, the ''applicant,'' will include any sub-grantees, consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, ''subordinate organizations''). In rating this factor HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (20 points). Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the technical study that is proposed under this program section of this SuperNOFA.

(2) *Past performance of the study team in managing similar projects* (10 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (i.e., projects completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor addresses the extent to which there is a need for your proposed study activities to address documented problems, target areas or target groups. In responding to this factor, you should document in detail how your project would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in Sections III (A) and (C)(1)–(2) of this program section of the SuperNOFA.

(1) Your rating will be based on the scope and completeness of your documentation that should include available data linking housing-based hazards to disease or injuries to children. Examples of data that might be used to demonstrate need include:

(a) Rates of childhood illnesses or injuries (e.g., asthma, burns) that could be caused or exacerbated by exposure to conditions in the home environment and/or rates of environmentally-related disease or adverse health effects (e.g., hypertension, elevated blood lead levels) that would be addressed by your technical study;

(b) Unavailability of other federal, state or local funding or private sector resources that could be, or are being used, to address the problem. This includes current research projects for which funding will be terminated or significantly reduced in the next 12 months.

(c) Data documenting affected groups or areas that are traditionally underserved or have special needs.

(2) If your application addresses needs that are in the Consolidated Plan, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified need.

(3) In addition, if you are seeking funding for ''other'' technical study focus areas, as is described in Section III(C)(1)(b) and III(C)(2)(c), you must document the importance and need for the project with respect to addressing the overall goal of this technical studies program.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality of your proposed technical study plan. Specific components include the following:

(1) *Soundness of the study design* (30 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible, your study should be designed to address testable hypotheses, which are clearly stated. Your study design should be statistically based, with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases, with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis and archiving.

Indicate if you will address any of the Department's FY 2002 policy priorities that are applicable to this program (see Section VI of the General Section of the SuperNOFA for a description of these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application. Policy priorities that are potentially applicable to the Healthy Homes and Lead Technical Studies NOFA are: (1) Improving the Quality of Public Housing and Providing More Choices for its Residents; and (2) Colonias.

(2) *Quality assurance mechanisms* (10 points). You must describe the quality assurance mechanisms that will be integrated into your project design to ensure the validity and quality of the results. Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (e.g., government reports, peer-reviewed academic literature) that provide the basis for your quality assurance mechanisms should be cited.

(3) *Project management plan* (8 points). The proposal should include a management plan that provides a schedule for the completion of major activities, tasks and deliverables, with an indication that there will be adequate resources (*e.g.,* personnel, financial) to successfully meet the proposed schedule. You are encouraged to plan a project with a duration of 24 months or less.

(5) *Budget Proposal* (2 Points). Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the General Section of this SuperNOFA. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format provided in Appendix D; an electronic spreadsheet is available on HUD's website, *www.hud.gov.* You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Your budget proposal should be activity and task related.

Rating Factor 4: Leveraging Resources (5 Points)

Your proposal should demonstrate that the effectiveness of HUD's Healthy Homes and Lead Technical Studies grant funds are being increased by securing other public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your project. Staff and in-kind contributions should be given a monetary value.

You should provide evidence of leveraging/partnerships by attaching to your application the following: Letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (5 Points)

(1) The extent to which you have coordinated your activities with other organizations that have or are in the process of conducting similar work. Your proposed study should build upon the existing body of related work and it should not significantly duplicate work that is currently being conducted, or has been conducted, by other organizations (to the extent that this can be ascertained);

(2) The extent to which your project will help generate practical solutions that can be funded and implemented locally for the identification and mitigation of health and safety hazards in residential environments;

(3) The extent to which your project findings can be used by various local and State governmental and non-governmental organizations to develop programs to implement improved evaluation and remediation strategies for addressing health and safety hazards in the residential environment in the absence of additional Federal funding.

VI. Application Submission Requirements

(A) *Applicant Data.* Your application must contain the items listed in this Section (VI(A)). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the non-standard forms can be found as Appendix D to this program section of the SuperNOFA: The items are as follows:

(1) Transmittal Letter that identifies what the technical study program funds are requested for (you should clearly specify that you are applying for funds under either the Healthy Homes Initiative technical studies program or the Lead Hazard Control technical studies program), the dollar amount requested, and the applicant or applicants submitting the application. If

two or more organizations are working together on the project, a primary applicant must be designated.

(2) Checklist and Submission Table of Contents (see Appendix D).

(3) The name, mailing address, telephone number, and principal contact person of the prime applicant. If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, similar information must be provided for each of these entities.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and/or SF–LLL, Disclosure of Lobbying Activities, where applicable. A Certification of Consistency with the Consolidated Plan is not required for this application.

(5) Completed Standard Forms SF–424, 424M, 424A, 424B, and other certifications and assurances listed in the General Section of the SuperNOFA.

(6) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request. Use the budget format discussed in Section V(B) Rating Factor 3:5, above. (See Appendix D.)

(7) A two-page (maximum) abstract containing the following information: The project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design described in the proposal.

(8) A project description/narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors should not exceed a total of 25 pages for each technical study topic area. Any pages in excess of this limit will not be read.

(9) Any important attachments, appendices, references, or other relevant information may accompany the project description, but must not exceed twenty (20) pages for the entire application. Any pages in excess of this limit will not be read.

(10) The resumes of the principal investigator and other key personnel. Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed technical studies.

(B) *Applicant Debriefing.* See Section VII(E)(2) of the General Section of the SuperNOFA for information about applicant debriefing.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1) and (b)(5) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

IX. Authority

These grants are authorized under sections 1051 and 1052 of the Residential Lead Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, sections 501 and 502 of the Housing and Urban Development Act of 1970, and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002, Pub. L. 107–73, approved November 26, 2001.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention:

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: In pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe;

dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and Rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent, urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides that may present hazards to occupants (*see below*). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps.

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Costs for lead hazard control can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and ''clearance testing,'' which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and ''sick building'' symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities.

The cost of mold/moisture-related intervention work (e.g., integrated pest management, clean & tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. In Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily contaminated homes range from $500–$5,000, with some costs also being dedicated to lead hazard control simultaneously through its lead+asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such ''take-home'' exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than 3/4 of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The ''add-on'' cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B—Relevant Publications and Guidelines

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free). A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD is available

at no charge from the National Lead Information Clearinghouse, 1–800–424–LEAD.

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from *www.osha-slc.gov/OshStd_data/1926_0062.html.*

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/htm.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from *www.epa.gov/lead/.*

4. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule: 24 CFR part 35, subparts A through R, published September 15, 1999, at **Federal Register** pages 50201 through 50231(HUD)—Telephone: 1–800–424–LEAD (National Lead Information Center). Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

5. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205–1240, January 5, 2001. TSCA Hotline: 202–554–1404 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/lead/leadhaz.htm.

Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

Reports and Articles

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Institute of Medicine. Indoor Allergens. Assessing and Controlling Adverse Health Effects. National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org.

5. Rom W.N., Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C. 2000. Can be downloaded from the Internet without charge from *www.epa.gov/children.*

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APPENDIX C ♦ Healthy Homes and Lead Technical Studies

Examples of Healthy Homes Technical Studies

No.	Title	Description
1	Urban Mold and Moisture Control Program	Assess the efficacy of low cost interventions to address mold and moisture problems as measured by subsequent reductions in fungal levels in environmental samples and reduction in asthma morbidity. Also includes development and validation of a visual assessment tool.
2	Improving the Lead Dust Final Clean Protocol to Reduce Cockroach Allergen Exposure	Determine effectiveness of modified cleaning protocols in reducing household contamination by cockroach allergen; evaluate polyclonal immunoassay for measuring cockroach allergens.
3	Healthy Public Housing	Document EHS hazards affecting public housing residents; evaluate remedial measures and quantify economic benefits of interventions
4	Head Start Healthy Homes Initiative	Evaluate home visitation with low cost interventions to Head Start families as a means of reducing health risks for asthma, lead poisoning and injury.
5	Baseline Study of Fungi in Urban Homes With No Known Moisture Problems	Identify fungal species and concentrations in samples of air and settled dust in homes with no known mold and moisture problems.
6	Use of GIS Predictive Modeling to Identify Homes at High Risk for Environmental Health Hazards	A GIS-based predictive modeling approach, built on an ongoing GIS modeling project for lead hazards, will be used to identify homes that are likely to have multiple environmental health hazards.
7	A Portable Instrument to Detect, Identify and Quantify Mold in Homes	The objective is to develop a relatively low cost, portable instrument to perform on-site evaluation of airborne concentrations of specific fungal species as well as estimates of total fungal concentration.
8	Evaluation of a Low Cost Method for Identification and Assessment of Mold Problems in Housing	The objective is to conduct laboratory and field testing of a new instrument for measuring the release of mold spores from surfaces.
9	Novel Markers of Fungal Exposure in Homes and Their Relationship to Respiratory Symptoms in Children in New York City	This research is evaluating the utility of fungal exposure assessment through immunoassay measurement of fungal extracellular polysaccharides (EPS) in house dust and fungal EPS specific immunoglobulin G (IgG) in the serum of participants to identify relationships between mold exposure and respiratory symptoms.

Examples of NOFA-Funded Lead Technical Studies

No.	Title	Description
1	Cleaning Lead Contaminated Dust from Hard Surfaces	The purpose of this research is to determine the effectiveness of various detergents in cleaning lead-contaminated dust from hard surfaces under varying conditions of wear and dust loading.
2	Monitoring HEPA Vacuum Dust Pick-up with an Aerosol Photometer	The objective of this research is develop a dynamic reading instrument that will indicate when a surface is sufficiently "clean".
3	Developing a Method for Collecting and Analyzing Vacuum Dust Samples for Lead Using Field Portable XRF	This research involves the development and assessment of a field method for collecting residential dust samples and analyzing them for lead using a field portable XRF analyzer.
4	The Use of Biosolids to Reduce Soil-lead Hazards	The study involves the application of treated biosolids to lead-contaminated urban yards with subsequent assessment of the effectiveness of the treatment in reducing lead concentration and bioavailability.
5	Assessing the Effectiveness of a State Law Requiring Lead Hazard Control Treatments in pre-1950 Rental Housing	The project is assessing the effectiveness of low cost treatments in reducing residential dust-lead hazards in rental housing.

APPENDIX D

The non-standard forms, which follow, are required for your Healthy Homes and Lead Technical Studies application. They are the "Checklist and Submission Table of Contents" and the "Budget Summary," including instructions.

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
HEALTHY HOMES AND LEAD TECHNICAL STUDIES GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter (limited to one page)**	Cover page
☐	**Applicant Abstract** (limited to a 2-pages; does not count towards 25-page limit)	_____
	Application Forms (to be included in Appendix 3)	
☐	Standard Form 424 and Standard Form 424A (Section B)	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD 424-M	
☐	Budget Summary (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2992 Certification regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required (See SuperNOFA)	_____
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Need/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self-Sufficiency and Sustainability	_____
	Appendices	
☐	Appendix 1 – Required material in support of the Rating Factors (e.g, resumes of key personnel, organizational chart, letters of commitment) arranged in order of Rating Factor. Does not count towards the 20-page limit; resumes limited to 3 pages each.	_____
☐	Appendix 2 – Optional material in support of the Rating Factors, arranged in order of Rating Factors, e.g., maps, letters of support. The 20-page limit applies to this Appendix.	_____
☐	Appendix 3 – Material relating to the forms, or budget material. (See Application Forms, above.)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____
☐	HUD 2994 Client Comments and Suggestions (Optional)	_____

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES DEMONSTRATION PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HEALTHY HOMES DEMONSTRATION PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Healthy Homes Demonstration Program is to develop, demonstrate and promote cost-effective, preventive measures to correct multiple safety and health hazards in the home environment that produce serious diseases and injuries in children. HUD is interested in reducing health threats to the maximum number of residents, especially children, in a cost efficient manner.

Available Funds. Approximately $5 million of funds.

Eligible Applicants. Not-for-profit institutions, and for-profit firms located in the U.S., state and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to include a fee in the cost proposal (i.e., no profit can be made from the project). Federal agencies and federal employees are not eligible to apply for this program.

Application Deadline. June 14, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this initiative, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. The application due date is June 14, 2002. Your completed application (one original and four copies) must be postmarked before 12:00 midnight Eastern Time, on June 14, 2002, and mailed to the address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. The address for all applications submitted is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, Attn: Ellen R. Taylor, 451 Seventh Street, SW., Room P3206, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929, or the TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Healthy Homes Demonstration Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the Internet at www.hud.gov.

For Further Information and Technical Assistance. You may contact Ms. Ellen Taylor, Planning and Standards Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 116, or Ms. Curtissa Coleman Grants Officer, extension 119. (These are not toll-free numbers.) Hearing- and speech-impaired persons may access the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of the broadcast, you should consult the HUD website at www.hud.gov.

II. Amount Allocated

Approximately $5 million will be available under the FY 2002 appropriation. Grants will be awarded on a competitive basis following evaluation of all proposals according to the Rating Factors described in Section V(C) of this program section. HUD anticipates that approximately 6 to 8 grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description

(1) *Background.* The Healthy Homes Demonstration Program is a part of HUD's Healthy Homes Initiative. The Healthy Homes Initiative (HHI) departs from the more traditional approach of attempting to correct one hazard at a time (e.g., asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov.

The HHI builds upon HUD's existing housing-related health and safety issues, including lead hazard control, building structural safety, electrical safety, and fire protection to address multiple childhood diseases and injuries, such as asthma, mold-induced illness, carbon monoxide poisoning, and other conditions, related to housing in a more coordinated fashion. A coordinated effort is feasible because a limited number of building deficiencies contribute to many hazards. Substantial savings are possible using this approach, because separate visits to a home by an inspector, public health nurse, or outreach worker can add significant costs to efforts to eliminate hazards. A description of the HHI program, and a link to the Healthy Homes website, are available at *www.hud.gov.*

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and

biomedical research have led to the identification of new and often more subtle health hazards in the residential environment. While such hazards will tend to be found disproportionately in housing that is substandard (*e.g.,* structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to the Healthy Homes (HH) Demonstration program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to the HH Demonstration program section of the SuperNOFA lists the references that serve as the basis for the information provided in this section of the SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and, in particular, for low-income children. Section VI of the General Section of the SuperNOFA presents HUD's FY 2002 Policy Priorities and the text below presents the overall goals and objectives of the HHI:

(a) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(b) Build local capacity to operate sustainable programs that will prevent and control housing-based hazards in low and very low-income residences when HUD funding is exhausted.

(c) Affirmatively further fair housing and environmental justice.

(2) *Healthy Homes Demonstration Activities.* Through the Healthy Homes Demonstration program, HUD will initiate competitive projects to promote implementation of available risk reduction techniques for the control of key hazards described in Appendix A. HUD will award demonstration projects that implement housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors, and disseminate healthy homes information and replicate successful interventions.

HUD will evaluate proposals based on the elements described below. Applicants are required to be specific as to the locations where they are targeting their intervention activities to occur, the residents, individuals, or groups targeted to receive interventions, and the organizations targeted to continue to operate effective intervention strategies over the life of the award and thereafter.

Objectives to be addressed by these demonstration projects are:

(a) Identification of target areas and homes where interventions will occur.

(b) Identification and evaluation of effective methods of hazard abatement and risk reduction.

(c) Development of appropriately-scaled, flexible, cost-effective and efficient intervention strategies that take into account the range of conditions likely to be encountered in older housing, and that maximize the number of housing units that receive an intervention.

(d) Development of methodologies for evaluating intervention effectiveness.

(e) Development of local capacity in target areas and target groups to operate sustainable programs to prevent and control housing-based hazards, especially in low and very-low income residences.

(f) Development of a cost-effective protocol for identifying homes that are candidates for interventions, identifying hazards in these homes, and screening out homes where structural or other condition factors (e.g., cost) make interventions infeasible or impractical.

(g) Development and delivery of public outreach programs that provide information about effective methods for preventing housing-related childhood diseases and injuries and for promoting the use of these interventions.

(h) Targeting, through education and outreach, specific high-risk communities and other identified audiences such as homeowners, landlords, health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers, and low-income minority families.

(i) Implementation of media strategies to use print, radio and television to increase public awareness of housing-related hazards that threaten children.

(j) Dissemination of existing tools and, as needed, new tools to inform parents and caregivers about housing-related hazards and enable them to take prompt corrective action.

(B) Eligible Activities

The following direct activities and support activities are eligible under this grant program.

(1) *Direct Project Elements* (activities conducted by you and any sub-recipients):

(a) Performing evaluations of eligible housing to determine the presence of housing-based hazards (*e.g.,* mold growth, allergens, unvented appliances, exposed steam pipes or radiators, deteriorated lead-based paint) through the use of generally accepted testing procedures.

(b) Conducting housing interventions to remediate existing housing-based hazards and address conditions that could result in their recurrence. Any lead hazard evaluation and control work shall be conducted by persons qualified for the activities according to 24 CFR part 35, especially sections 13.1325 for abatement and 13.1330 for interim controls. Qualified persons must possess certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or otherwise having been trained in a HUD-approved course in lead-safe work practices. You may refer to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Guidelines) for additional information. The *Guidelines* and/or applicable regulations may be downloaded from the Office of Healthy Homes and Lead Hazard Control's homepage, linked to www.hud.gov. All pest control activities shall incorporate the principles and methods of integrated pest management (IPM). In technical terms, IPM is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at *http://ipmworld.umn.edu/textbook.htm.)*

(c) Undertaking housing rehabilitation activities that are specifically required to carry out effective control of housing-based hazards, and without which the intervention could not be completed and maintained. Grant funds under this program may also be used to control lead-based paint hazards, but such controls may not be a principal focus of the grant.

(d) Carrying out temporary relocation of families and individuals, when necessary, during the period in which intervention is conducted and until the time the affected unit receives clearance for re-occupancy. Residents relocated must be guaranteed the choice of returning to the unit after the intervention.

(e) If medical examinations of young children for conditions caused or exacerbated by exposure to hazards are demonstrated to be critical to the outcome of your project, and there are

no alternative sources to cover these costs, conducting such examinations.

(f) Environmental sampling, and medical testing recommended by a physician or applicable occupational or public health agency to protect the health of the intervention workers, supervisors, and contractors, unless reimbursable from another source.

(g) Conducting clearance testing and analysis for lead, mold, carbon monoxide and/or other toxins as appropriate, with respect to generally accepted standards or criteria, or where not available, other appropriate levels justified in conjunction with the project. Clearance dust samples related to lead-based paint must be analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP). All tests results related to lead-based paint must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(h) Carrying out architectural, engineering and work specification development and other construction management services to control housing-based hazards and remediate existing hazards.

(i) Providing training on safe maintenance practices to homeowners, renters, painters, remodelers, and housing maintenance staff working in low or very-low income housing.

(j) Providing cleaning supplies for hazard intervention and hazard control to faith-based and other community-based organizations for use by homeowners and tenants in low-income housing, or to such homeowners and tenants directly. (*See* Section VI(E) of the General Section of the SuperNOFA for more information about faith-based and other community-based organizations.)

(k) Conducting general or targeted community education programs on environmental health and safety hazards. This activity would include training on safe maintenance and renovation practices, among other topics. It would also include making materials available, upon request, in alternative formats for persons with disabilities (*e.g.,* Braille, audio, large type), and in languages other than English that are common in the community, whenever possible.

(l) Securing liability insurance for hazard evaluation and control activities to be performed. This activity is not an administrative activity.

(m) Supporting data collection, analysis, and evaluation of project activities.

(n) Maintaining a registry (updated at least monthly) of housing units in which housing-based hazards were not found during evaluation, and those in which such problems and hazards have been controlled. Units on the registry should be given priority for affirmatively marketing to low-income families with young children, and such families should be given preference for occupancy when they are vacant. (If you are selected for an award, HUD will provide specific data requirements for the registry.)

(o) Preparing quarterly progress reports and an overall final grant report detailing activities (e.g., number of units tested, types of interventions provided, evaluation of the most cost-efficient methodologies by type of unit), findings, and recommended future actions for cost-effective interventions, at the conclusion of grant activities.

(2) *Support Elements.*

(a) Your administrative costs.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) Ineligible Activities

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(3) Medical treatment costs, except as specified in Section III (C) (1)(e) above.

IV. Program Requirements

In addition to program requirements listed in the General Section of the SuperNOFA, you, the applicant, must comply with the following requirements:

(A) *Budgeting—Administrative Costs.* There is a 10% maximum for administrative costs, as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided in Appendix C of this NOFA.

(B) *Period of Performance.* The period of performance cannot exceed 36 months from the time of the award.

(C) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), funds may not be used for properties located in the Coastal Barrier Resources System.

(D) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), funds may not be used for construction, reconstruction, repair or improvement of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(E) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) (NHPA) and the regulations at 36 CFR part 800 apply to the mold intervention and related hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out any lead hazard control activities under this program. This must be obtained from the SuperNOFA Information Center at 1–800–HUD–8929.

(F) *Waste Disposal.* Waste disposal will be handled according to the requirements of the Occupational Health and Safety Administration (OSHA) (*e.g.,* 29 CFR part 1910 and/or 1926, as applicable), the Environmental Protection Agency (EPA) (*e.g.,* 40 CFR parts 61, 260–282, 300–374, and/or 700–799, as applicable), the Department of Transportation (*e.g.*, 49 CFR parts 171–177), and/or appropriate state or local regulatory agencies and applicable EPA, HUD, state and local regulatory agency guidance.

(G) *Worker Protection Procedures.* You must comply with the requirements of OSHA (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable), or the state or local occupational safety and health regulations, whichever are most stringent.

(H) *Written Policies and Procedures.* You must have written policies and procedures for all phases of intervention, including evaluation, development of specifications, financing, occupant relocation, independent project inspection, and clearance testing (*e.g.*, for mold, lead, carbon monoxide or other hazards, as applicable). You and all your subcontractors, sub-recipients, and their

contractors must comply with these policies and procedures.

(I) *Clearance Testing for Lead Hazard Control Activities.* Clearance dust testing must be conducted according to the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing rule (24 CFR part 35) for lead hazard control activities other than abatement. These are available at *www.epa.gov/lead* and *www.hud.gov,* respectively.

(J) *Continued Availability of Safe Housing to Low-Income Families.* Units in which housing-based hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents for not less than 3 years following the completion of intervention activities.

(K) *Environmental Review.* You must comply with HUD's regulations in 24 CFR 50.3(h) in carrying out responsibilities regarding environmental review. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

(L) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See Section II(A)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

(M) *Relocation.* Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property, in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-assisted activity, is covered by Federal relocation statute and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing government-wide regulation at 49 CFR part 24. The relocation requirements of the URA and the government-wide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation or demolition for an activity undertaken with HUD assistance.

(N) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Refer to the General Section of the SuperNOFA for applicable requirements.

(O) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Recipients of assistance must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements of subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing, and (2) business concerns which provide economic opportunities to low and very low-income persons. Frequently Asked Questions (FAQs) about Section 3 requirements are available at www.hud.gov.

(P) *Data collection and provision.* You must collect, maintain and provide to HUD the data necessary to document the various approaches used to evaluate and control housing-based hazards, including evaluation and control methods, building conditions, medical and familial information (with confidentiality of individually-identifiable information ensured) in order to determine the effectiveness and relative cost of these methods.

(Q) *Certifications and Assurances.* You must include the certifications and assurances listed in Section II(H) of the General Section of the SuperNOFA with your application. A Certification of Consistency with the Consolidated Plan is not required for this application.

(R) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if program funds are used in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other federal programs.

V. Application Selection Process

(A) *Threshold Requirements.* Please see Section II(B) of the General Section of this SuperNOFA. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA. Applications that meet all of the threshold requirements will be eligible to be scored and ranked based on the total number of points allocated for each of the rating factors described below. Your application must receive a total score of at least 70 points to remain in consideration for funding.

(B) *Rating and Ranking.* HUD intends to award the highest ranked applications listed in the Programs Section of the SuperNOFA within the limits of funding availability.

(1) In evaluating applications for funding HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other federal, state or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, HUD may elect to deduct points from the rating score as specified under the Factors for Award or set threshold levels for performance as specified in the funding announcement.

(C) *Factors for Award Used to Evaluate and Rate Applications.* This section provides the factors for rating and ranking your application and the maximum points for each factor. The maximum number of points to be awarded is 106, including the potential for six bonus points, as defined in paragraphs (1) through (3) of Section III (C) of the General Section of the SuperNOFA. This maximum includes two EZ/EC bonus points, two bonus points for Brownfields Showcase Communities, and two bonus points for the court ordered consideration in the City of Dallas, Texas, as described in Section III(C) of the General Section of the SuperNOFA

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses your organizational capacity necessary to

successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any faith-based and other community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. Applicants that are, or propose to, either partner, fund, or sub-contract with grassroots organizations, particularly faith-based and other community-based non-profits in conducting their work programs will receive higher rating points as specified in the Program Section of this SuperNOFA. See Section VI(E) of the General Section of the SuperNOFA for additional information. In rating this factor HUD will consider:

(1) Your recent, relevant and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day project manager in planning and managing large and complex interdisciplinary programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience, commitment to the project, and position titles. Resumes of up to three (3) pages each and position descriptions for up to three personnel in addition to the project director and project manager, and a clearly delineated organizational chart for your project must be included in an appendix. Copies of job announcements (including salary range) should be included for any key positions that are currently vacant, or contingent upon an award. Indicate the percentage of time that key personnel will devote to your project and any salary costs to be paid by funds from this program. Include descriptions of the experience and qualifications of subcontractors and consultants.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of project staff.

(3) Whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project immediately, and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in, or support, your project. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed project activities to address documented problems, target area(s) and target groups.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. You should pay specific attention to documenting the need as it applies to your target area(s), rather than the larger geographic area.

(2) Your documentation should summarize available data linking housing-based hazards to disease or injuries to children in your target area(s). Examples of data that might be used to demonstrate need, include:

(a) Economic and demographic data relevant to your target area(s), including poverty and unemployment rates;

(b) Rates of childhood illnesses (*e.g.,* asthma, allergies, hypertension, elevated blood lead levels) or injuries (*e.g.,* falls, burns) among children residing in your target areas that could be caused or exacerbated by exposure to conditions in the home environment; and

(c) Unavailability of other Federal, state or local funding or private sector resources that could be, or are being, used to address the problem.

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan and the Analysis of Impediments to Fair Housing Choice (AI) or derived from current census data or from other sources. All data that address the following should be documented:

(a) The age and condition of housing;

(b) The number and percentage of very-low and low-income families with incomes less than 50% and 80% of the median income, respectively, as determined by HUD, for the area, with adjustments for smaller and larger families. Statistics that describe low and very-low income families are available at *www.huduser.org/datasets/il/fmr00/sect82.html.* Additional census statistics are available at: *www.census.gov/hhes/www/income00.html, www.census.gov/hhes/income/income00/statemhi.html,* and *www.huduser.org/datasets/il/fmr00/index.html.*

(c) To the extent that statistics and other data contained in your community's Consolidated Plan or AI support the extent of the problem, you should include references to the Consolidated Plan or AI in your response.

(d) Data documenting targeted groups that are traditionally underserved or have special needs. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas are being proposed. If your application addresses needs that are in the Consolidated Plan or AI, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their project to an identified need.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on the proposed approach for addressing housing-based hazards and describe how proposed activities would help HUD achieve its goals for this program area. For you to receive maximum points for this factor, there must be a direct relationship between the proposed activities, community needs, and the purpose of the project. You may find that developing a Logic Model would be useful for this Rating Factor; information about developing a Logic Model is available at: *www.hud.gov.* The response to this factor should include the following elements:

(1) *Approach for Developing the Project* (25 points). Describe your overall approach for your proposed project. The description must include a discussion of specific planned project activities that address one or more of the following categories:

(a) *Project activities* (15 points).

(i) Describe in detail how you will identify, select, prioritize, and enroll units of eligible housing in which you will undertake housing-based hazard interventions, how you will integrate safe work practices into housing maintenance, repair, and improvements, and then target such units to low-income families with young children. You should use all reasonably available sources of information on controlling housing-based hazards in buildings and protecting workers and occupants during and after the intervention process.

(ii) Describe any assessment tools you would employ to establish baseline data.

(iii) Provide the estimated total number of owner occupied and/or rental units in which you will conduct interventions.

(iv) Describe your process for evaluating units of eligible housing in

which you will undertake housing-based hazard interventions.

(v) Describe any specialized testing or visual inspection that you will conduct during unit inspection with reference to source(s) of the protocol(s).

(vi) Discuss efforts to incorporate cost-effective methods to address multiple environmental health and safety hazards, and describe the specific interventions you will utilize to control housing-based hazards before children are affected; and/or to control these hazards in units where children have already been treated for illnesses or injuries associated with housing-based hazards (*e.g.,* burns, lead poisoning, asthma).

(vii) Describe the process for your referral of children for medical case management if this is not ongoing.

(viii) Describe your process for the development of work specifications for the selected interventions.

(ix) Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions, and provide cost estimates per intervention and per unit.

(x) Discuss your contracting process to obtain contractors to conduct interventions in selected units.

(xi) Describe your plan for the temporary relocation of occupants of units selected for intervention, if relocation is necessary, and how you will determine the need for relocation. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc. Describe how you will meet relocation requirements.

(xii) Describe your plan for ensuring right of return and/or first referral for occupants of units selected for intervention who have had to move for intervention to occur.

(xiii) Describe how you will affirmatively further fair housing.

(xiv) Describe the financing strategy, including eligibility requirements, terms, conditions, and amounts available, to be employed in conducting housing-based hazards activities. You must discuss the way funds will be administered (*e.g.,* use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.) as well as the agency that will administer the process.

(xv) Proposed methods of community education. These should include community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate.

(xvi) Proposed involvement of neighborhood, or faith-based and other community-based organizations in the proposed activities. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(xvii) Proposed methods to reach high-risk groups and communities, vulnerable populations and persons traditionally underserved.

(xviii) Indicate if, and describe how, you will address any of HUD's Departmental policy priorities. (See Section VI of the General Section of the SuperNOFA for a fuller explanation of HUD's policy priorities.) Policy priorities that are potentially applicable to the Healthy Homes Demonstration NOFA are: 1) Improving the Quality of Public Housing and Providing More Choices for its Residents; 2) Increasing the Participation of Faith-based and other Community-based Organizations in HUD Program Implementation; and 3) Colonias. You will receive one point for each of the applicable policy priorities that are addressed in your application.

(b) *Project Evaluation* (10 points). You are required to identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of interventions, and evaluate the effectiveness of interventions:

(i) Discuss the performance goals for your project and identify specific outcome measures;

(ii) Describe how the outcome information will be obtained, documented, and reported.

(2) *Approach for Implementing the Project* (20 points). Describe your project goals and objectives and the strategy you will use in planning and executing the project. You should provide information on the general approach and overall plan employed.

(a) *Baseline Plan for Project Management* (10 points). Include a management plan that:

(i) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing;

(ii) Incorporates appropriate performance goals and benchmarks;

(iii) Identifies major milestones and provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery;

(iv) Designates resources and identifies responsible entities; and

(v) Provides an estimate of per unit (or other appropriate apportionment) costs (and a basis for those estimates) for the type of interventions that are planned.

(b) *Budget Justification* (5 points). Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format recommended in Appendix D of this NOFA. An electronic spreadsheet and other budgetary forms are available on HUD's website, at www.hud.gov. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

(c) *Economic Opportunity* (5 points). To the greatest extent feasible, your project should promote job training, employment, and other economic opportunities for low-income and minority residents and businesses which are owned by, and/or employ, low-income and minority residents as defined in 24 CFR 135.5. You should:

(i) Describe how you or your partners will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR part 135. Describe how you will accomplish this requirement by (1) providing training and employment opportunities for low- and very low-income persons living within the grantee's jurisdiction, and by (2) providing business opportunities to businesses owned by low and very low-income persons living within the grantee's jurisdiction.

(ii) Describe how you or your partners will satisfy the requirements of Section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring low and very low-income persons or contracting with businesses owned by or employing low and very-low income persons. Frequently Asked Questions about Section 3 requirements are available at www.hud.gov.

(iii) Describe how your proposed project will further and support the policy priorities of the Department, including providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs; or providing educational and job training opportunities; and

(iv) Describe the extent to which your proposed activities will occur in an Empowerment Zone or Enterprise Community (EZ/EC), Urban Enhanced Enterprise Community (EEC), Strategic

Planning Community or Renewal Community, Brownfields Showcase Community, or the City of Dallas, Texas as defined in Section III(C)(1) through (3) of the General Section of the SuperNOFA.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources (such as financing, supplies or services) that can be combined with HUD's resources to achieve project purposes.

(1) In evaluating this factor, HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (such as services or equipment) allocated to your proposed project. Resources may be provided by state and local governmental entities, public or private organizations, or other entities willing to be your partner in this effort.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether a public or private source, which must describe the contributed resources that will be used in your project. Staff in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment with specific details including the amount of the actual contributions, you will not get rating points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed project. The commitment must be signed by an official legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor consists of three elements:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. Applicants that are, or propose to, either partner, fund, or sub-contract with grassroots organizations, particularly faith-based and other community-based non-profits in conducting their work programs will receive higher rating points as specified in the Program Section of this SuperNOFA. *See* Section VI(E) of the General Section of the SuperNOFA for additional information about faith-based and other community-based organizations.

(a) Describe your plan for integrating and coordinating housing-based hazard interventions with other housing-related activities (*e.g.,* rehabilitation, weatherization, removal of code violations, and other similar work).

(b) Describe your plans to consolidate housing-based hazard interventions with applicable housing codes and health regulations.

(c) Describe your plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future interventions to prevent and control housing-based hazards, particularly in low and very low-income housing.

(d) Detail the extent to which you will ensure that the needs of minorities and persons with disabilities will be addressed adequately during your intervention activities; and that housing in which hazards have been addressed will remain available and affordable in the long run for low-income, minority, large families, and for persons with disabilities.

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments;

(3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(D) *Applicant Debriefing. See* Section VII (E)(2) of the General Section of the SuperNOFA for information about applicant debriefing.

VI. Application Submission Requirements

(A) *Applicant Information.* You should submit your application in accordance with the format and instructions contained in this program section of this SuperNOFA. The following is a checklist of required application contents. Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' are listed in the Checklist and Submission Table of Contents provided in Appendix D of this NOFA and are available electronically at *www.hud.gov.* The items are as follows:

(1) Transmittal letter (one-page only) that summarizes your proposed project, provides the dollar amount requested, and identifies you and your partners in the application.

(2) The name, mailing address, and telephone number of the principal contact person. If you are a consortium of associates, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities and you must specify the primary entity.

(3) Checklist and Submission Table of Contents.

(4) Standard Forms SF–424, 424A (Section B), 424B (Assurances/Non-Construction Programs), 424M, Total Budget (Federal Share and Matching).

(5) HUD–2880 (Disclosure and Update Report); HUD 2990 (Certification of Consistency with EZ/EC Strategic Plan); HUD 2992 (Certification regarding Debarment and Suspension); HUD 50070 (Certification for a Drug-Free Workplace); HUD 50071 (Certifications of Payments to Influence Federal Transactions); Form SF-LLL Disclosure of Lobbying Activities, where applicable. A Certification of Consistency with the Consolidated Plan is not required for this application.

(6) Application Abstract. An abstract describing the goals and objectives of your proposed program (2-page maximum) must be included in the proposal.

(7) A narrative statement addressing the rating factors for award. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors must not exceed a total of 25 pages (12 point font with 1 inch margins). Any pages in excess of this limit will not be read. (The 25-page limit does not apply to the two-page abstract.)

(8) Any attachments, appendices, references, or other relevant information that directly support the narrative may

accompany it, but must not exceed twenty (20) pages (12 point font with 1 inch margins) for your entire application. Any pages in excess of this limit will not be read. Specific criteria for the content of the appendices for the Healthy Homes Demonstration Program grant application are listed in the Checklist and Submission Table of Contents. (See Appendix D of this NOFA.)

(9) A detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3, element (2)(b). This information will not be counted towards the page limits. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10% of the Federal budget request.

(10) The resumes and position descriptions of your project director and project manager and up to three additional key personnel (in accordance with Rating Factor 1), not to exceed three pages each (12-point font with 1-inch margins). This information is to be included in Appendix 1 and will not be counted towards the page limit.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Activities assisted under this program are subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Healthy Homes Initiative does not constitute approval of specific sites where activities may be carried out. Following award execution, HUD will perform environmental reviews for activities to be carried out on properties proposed by your organization. You may not rehabilitate, convert, repair or construct a property, or commit or expend program funds or non-HUD funds for these program activities for any eligible property, until you receive written notification from the appropriate HUD official that HUD has completed its environmental review and the property has been approved. The results of environmental reviews may require that proposed activities be modified or proposed sites rejected.

IX. Authority

The authority for this program is Sections 501 and 502 of the Housing and Urban Development Act of 1970 and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002, Public Law 107–73, approved November 26, 2001.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. More information about housing-associated health and injury hazards is available at the Healthy Homes Initiative website, linked to www.hud.gov.

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Asthma'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative website, linked to www.hud.gov.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional, trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having

combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe; dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides that may present hazards to occupants (see below). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps. In technical terms, Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at *http://ipmworld.umn.edu/textbook.htm*.)

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Costs for Lead Hazard Control can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and ''clearance testing,'' which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and ''sick building'' symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Mold'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative website, linked to *www.hud.gov.*

The cost of mold/moisture-related intervention work (*e.g.,* integrated pest management, clean and tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. For example, in Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily contaminated homes range from $500—$5,000, with some costs also being dedicated to lead hazard control simultaneously through its Lead+Asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures

are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take-home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such ''take-home'' exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The ''add-on'' cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B

References: To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free). A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD is available at no charge from the National Lead Information Clearinghouse, 1–800–424–LEAD.

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha_slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1926_0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I.htm.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, (EPA) (Lead Hazard Standards, Work Practice Standards, EDP and State Certification and Accreditation programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/lead.

GUIDELINES

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

REPORTS

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Institute of Medicine. *Indoor Allergens. Assessing and Controlling Adverse Health Effects.* National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org

5. Rom W.N., Ed. *Environmental and Occupational Medicine.* Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. *Eliminating Childhood Lead Poisoning:* A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C., 2000. Can be downloaded from the Internet without charge from *www.epa.gov/children.*

Appendix C

Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Congress set a top limit of ten (10) percent of the total grant sum for the Grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten (10) percent of the total grant amount. The balance of ninety (90) percent or more of the total grant sum is reserved for the sub-grantee/direct-performers of the lead-hazard reduction work.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low and moderate-income, private target housing: the term ''administrative costs'' should not be confused with the terms ''general and administrative cost'', ''indirect costs'', ''overhead'', and ''burden rate''. These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or

departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total grant sum, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee and may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs, are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III(B) of this Healthy Homes Demonstration NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under NOFA Section III(B), or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated public agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity).

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of Grantee's general costs that are not directly attributable to specific projects or operating departments such as: The Mayor's and City Council's salaries and related costs; the costs of the City's General Council's office, not charged off to particular projects or operating departments; and the costs of the City's Accounting Department not charged back to specific projects or operating departments. (If Grantee has an established burden rate it should be used; if not Grantee shall be assigned a negotiated provisional burden rate, subject to final audit.)

Appendix D

Forms: The non-standard forms, which follow, are required for your Healthy Homes Demonstration application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

BILLING CODE 4210–32–P

APPENDIX D

CHECKLIST AND SUBMISSION TABLE OF CONTENTS HEALTHY HOMES DEMONSTRATION GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter (limited to one page)**	Cover page
☐	**Applicant Abstract** (Limited to two pages; does not count toward the 25- page limit.)	_____
	Application Forms (to be included in Appendix 3)	
☐	Standard Form 424 and Standard Form 424A (Section B)	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD 424-M	
☐	Total Budget (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2992 Certification Regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required (See SuperNOFA)	
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Need/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self-Sufficiency and Sustainability	_____
	Appendices	
☐	Appendix 1 – Required materials in support of the Rating Factors (e.g., resumes of 3 key staff members, organizational chart, letters of commitment) arranged in order of Rating Factor. (Materials in this appendix do not count toward the 20-page limit; resumes are limited to 3 pages each.)	_____
☐	Appendix 2 – Optional materials in support of the Rating Factors, arranged in order of Rating Factor, e.g., maps, letters of support. The 20-page limit applies to this Appendix.	_____
☐	Appendix 3 – Material related to the forms, or budget materials. (See Application Forms, above.)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____
☐	HUD 2994 Client Comments and Suggestions (Optional)	_____

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	**Days**	**Rate per Day**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/offices/lead

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the
HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

PROGRAM OVERVIEW

Purpose of the Program. BEDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Housing and Community Development Act of 1974, as amended, for the same project, or to improve the viability of a project financed with the Section 108-guaranteed loan. HUD intends to make available approximately $26 million in BEDI funds along with almost $3 million in unobligated Economic Development Initiative (EDI) funds, totaling approximately $29 million that will be available in FY 2002 to stimulate economic development by local governments and private sector parties in brownfields.

HUD desires to see BEDI funds (as defined in Section III (A)(1) below) and Section 108 funds used to finance projects and activities in brownfields that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. A BEDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. In FY 2002, HUD seeks to increase economic development opportunity throughout the country and promote energy efficient projects.

Available Funds. Approximately $29 million, as further described in Section II below. The maximum amount of any BEDI grant award this year will be $2 million per project.

Eligible Applicants. Only units of general local government eligible for assistance under the Community Development Block Grant (CDBG) program may apply for a BEDI grant and a Section 108 Guaranteed Loan. CDBG-eligible urban counties may also apply for funding, but units of general local government which participate in the Urban County may not submit an application independent of the Urban County. (See Section III(B) below for additional information regarding eligible applicants.)

Application Deadline. July 9, 2002.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Please submit your completed applications (one original and three copies) on or before July 9, 2002, to the addresses shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Only a limited number of express delivery services have access to the Robert C. Weaver, HUD Headquarters Building. All applications to field offices, homeownership centers and program hubs must be delivered by the United States Postal Service (USPS). Applications sent to the Robert C. Weaver Building may be mailed using the United States Postal Service or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into the Robert C. Weaver Building without escort. To avoid potential delivery problems, therefore, you must use one of the four carriers listed above. For purposes of this program section to the SuperNOFA, delivery by the approved services must be made during HUD's business hours, i.e., between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If one of these companies does not serve your area, you should submit your application via the USPS.

Mailed Applications. Your application will be considered timely filed if it is postmarked on or before 12:00 midnight of the application due date and received by the designated HUD office by or within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing (PS Form 3817) showing the date when the application was submitted to the USPS. The Certificate of Mailing will be your documentary evidence that the application was timely filed. The Certificate of Mailing is available from the USP.

Applications Sent by Overnight/ Express Mail Delivery To HUD Headquarters. An application sent by overnight delivery or express mail to HUD Headquarters will be considered by HUD as timely filed if it is received before or on the application due date, or if documentary evidence is provided that the application was placed in transit with the overnight delivery/ express mail service by no later than the application due date.

Applications to HUD Field Offices. Applications submitted to HUD Field Offices must be mailed via the United States Postal Service. At the same time the application and copies are submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD Field Office for the applicant's jurisdiction.

Addresses for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and two copies) by mail or permitted delivery service to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, Attention: BEDI.

When submitting the application, please specify BEDI on any label or mailing container, and include the applicant's name, mailing address (including zip code), street address (if different from mailing address) and zip code, and voice and facsimile telephone numbers (including area code), along with the contact person's name and voice and facsimile telephone numbers (including area code).

For Application Kits. To request an Application Kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800-HUD–8929. When requesting an Application Kit, please refer to BEDI. Please be sure to provide the applicant's name, address (including zip code), and telephone number (including area code), along with the name and phone number of your contact person. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209 to obtain an application kit. The Application Kit will also be available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. Contact Lisa Peoples, Economic Development Specialist, Office of Economic Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7140, Washington, DC 20410, telephone (202) 708–0614 ext. 4456 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this BEDI NOFA. However, HUD staff are not permitted to assist in preparing your BEDI application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information

that is a prerequisite to the offer of an award by HUD. In addition, the Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to those provisions of the HUD Reform Act pertaining to competitions that do not permit HUD staff to assist in the preparation of applications. HUD staff are available to provide advice and assistance to develop your Section 108 loan application.

Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced, HUD will, upon receiving written request from the applicant, provide a debriefing to the requesting applicant. Information provided during a briefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to the contact person for the BEDI program, Ms. Lisa Peoples, at the address listed in the preceding paragraph.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of BEDI application(s). For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

HUD has available a maximum of $29,008,155 for grant awards under this program section. This amount consists of $25 million in appropriations under ''Brownfields Redevelopment'' heading in the Fiscal Year 2002 HUD Appropriations Act, $1,065,000 of unobligated appropriated funds from the Fiscal Year 2001 HUD Appropriations Act under the ''Brownfields Redevelopment'' heading, and $2,943,155 in funds originally appropriated for awards under the competitive Economic Development Initiative (EDI) program under the Fiscal Year 2000 HUD Appropriations Act. All such funds are authorized by Section 108(q) of the Act (as defined below). Consequently there will be no separate competition for EDI funds this year, and all of these funds are being made available by HUD for the purpose of assisting public entities in the redevelopment of brownfields. The maximum amount of a BEDI award under this competition is $2 million per project. If any additional funds become available for the BEDI program during Fiscal Year 2002, HUD may either fund additional applicants in accordance with this program section of the SuperNOFA, or may add these funds to funds available for future competitions pursuant to Section 108(q) of the Act.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* BEDI is designed to help cities redevelop abandoned, idled, or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination, i.e., brownfields. BEDI provides funding to local governments to be used in conjunction with Section 108 loan guarantees to finance redevelopment of brownfields sites. A BEDI grant award will be conditioned upon, and must be used in conjunction with, a new Section 108-guaranteed loan commitment. Both Section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to units of general local government eligible for assistance through either HUD's Entitlement or State and Small Cities segments of the Community Development Block Grant program. Such public entities may re-loan the Section 108 loan proceeds and provide BEDI funds to a business or other entity to carry out an approved brownfield economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application. In either case, BEDI grant funds and the 108 proceeds must be used to support the same eligible project.

(1) *Definitions.* Unless otherwise defined herein, terms defined in 24 CFR part 570 and used in this program section of this SuperNOFA shall have the respective meanings given thereto in that part.

Act means Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents submitted by an eligible applicant for BEDI grant funds, in accordance with the provisions of this program section of the SuperNOFA to finance a brownfield economic development project. A BEDI application must be accompanied by a Section 108 loan guarantee request, which may consist of either a brief summary of the proposed use of 108 funds, or a full application, which may either be submitted at the same time as the BEDI application or be provided within 60 days of BEDI grant award, as more fully explained in Section IV(C) of this program section. Note that the Section 108 application must be submitted to the appropriate HUD field office concurrently with its submission to Headquarters.

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by real or perceived contamination.

Brownfields Economic Development Initiative (BEDI) funds means the appropriated funds made available for the competition under this program section from any available BEDI or EDI appropriation.

Brownfields Economic Development Initiative (BEDI) project means an activity or activities (including mixed use projects with housing components) that are eligible under Section 108(q) of the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization in connection with brownfields.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to Section 108(q) and this program section of this SuperNOFA.

Economic Development Initiative (EDI) grant means the provision of economic development grant assistance under Section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

EPA means the U.S. Environmental Protection Agency.

Firm Commitment means either a written agreement or letter of understanding by which an applicant and/or a third party:

(1) Agrees to perform an activity specified in the application, and demonstrates its relationship to the proposed BEDI/Section 108 project;

(2) Specifies the amount of the commitment, and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; if the committed activity is to be self-financed, the third party must evidence its financial capacity through a corporate or personal financial statement or other appropriate means; and

(3) Irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the BEDI grant.

In order for an applicant's commitment of CDBG funds to be accepted by HUD as additional financing for a BEDI project, a resolution from the local governing body (e.g., city/borough council) authorizing the amount and permitted use(s) of the funds must be provided. Each agreement or letter of commitment must include the organization's name and proposed total level of commitment (including how the value was determined) and responsibilities as they relate to the proposed BEDI project. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization, and remain in effect for a period stated in the commitment.

Grassroots organization means any such organization as defined in Section VI (E)(2) of the General Section of the SuperNOFA above.

Showcase Community means an applicant chosen by the Federal Government's Brownfields National Partnership for inclusion in the Federal Government's Brownfields Showcase Communities program. (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of Showcase communities.)

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

(2) *Background.* HUD has multiple programs which are intended to stimulate economic and community development and promote economic revitalization of distressed areas, and which can be effectively employed to address and remedy brownfields conditions. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

(a) The CDBG program provides grant funds ($4.341 billion in FY 2002) by formula to local governments (either directly or through States) to carry out community and economic development activities. The Section 108 loan guarantee program provides CDBG-recipient communities with a source of financing for economic development, public facilities, and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the State CDBG program. The Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program as described in 24 CFR part 570, subpart M. BEDI grants must support Section 108 loan guarantees as generally described in this program section of this SuperNOFA.

(b) For FY 2002, the Section 108 program is authorized at $608,696,000 in loan guarantee authority. The full faith and credit of the United States is pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, as applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable ''Contract for Loan Guarantee Assistance.'') This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI authorization, Section 108(q) of the Act, was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. $2,943,155 in FY 2000 EDI appropriations is being made available under this program section of the SuperNOFA, conditioned on their award and use for brownfields economic development projects in accordance with this program section. A purpose of EDI (and BEDI) grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of a project financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the Section 108-guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *BEDI Program.* In the FY 2002 HUD Appropriations Act, Congress has made a specific appropriation of $25 million as authorized by Section 108(q) of the Act to assist in financing brownfields redevelopment, which funds are being made available under this program section along with $1,065,000 in unobligated funds appropriated for FY 2001 for brownfields redevelopment.

HUD intends all the funds available pursuant to this program section of the SuperNOFA to be used for purposes of the redevelopment of brownfields sites. Accordingly, BEDI funds shall be used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts on brownfields sites where contamination is known or suspected and a redevelopment plan exists. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applications whose scope is limited only to site acquisition and/or remediation (i.e., land banking), where there is no immediately planned redevelopment.

(5) *Integration of Other Government Brownfields Programs.* HUD expects and encourages local governments which are designated through (a) the Federal Government's Brownfields Showcase Community program, (b) other Federal brownfields programs (e.g., EPA's Assessment Pilot, Tax Incentive, or Revolving Loan Fund programs), (c) a State-supported brownfields program, or (d) a State or local related economic development program, to integrate efforts arising from those programs in developing projects for assistance under HUD's BEDI and Section 108 programs. Applicants should elaborate upon these ties in their response to the rating factors, where appropriate (*e.g.*, ''Capacity of the Applicant,'' ''Soundness of Approach,'' ''Leveraging Resources,'' or '' Coordination, Self-Sufficiency and Sustainability''—Rating Factors 1, 3, 4, and 5 respectively.)

(6) *Additional Security for Section 108 Loan Guarantee.* Public entities should be mindful of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity is required by the Act to pledge its current and future CDBG funds as security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (e.g., a loan made to a business as part of an economic development project). Applications proposing uses for BEDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s)

will satisfy the additional collateral requirements.

(7) *Uses of BEDI Funds*. Provided that proposals are consistent with other CDBG requirements, including meeting National Objectives and activity eligibility requirements under § 570.703 of the Section 108 Loan Guarantee regulations, the following are illustrative of ways in which BEDI funds can be used to support 108-guaranteed loans:

(a) *Land Writedowns*. Local governments may use a combination of Section 108 and BEDI funds to acquire a brownfield site for purposes of reconveying the site to a private developer at a discount from its purchase price. This approach would provide the developer with an asset of enhanced value that could be used as collateral for other sources of funding. Such other sources of financing could be used to finance environmental remediation or other development costs. In theory, the level of BEDI assistance could approximate the difference between the original cost of the site and its remediation in comparison to the market value of the remediated property.

(b) *Site Remediation Costs*. Local governments may use BEDI funds in any of several ways to address site remediation costs. If the local government proposes to use Section 108 funds to acquire real property, BEDI funds could be used to address assessment and site remediation costs as part of demolition, clearance, or site preparation activities. If the local government uses Section 108 funds to make a loan to a developer, BEDI funds could be granted or loaned to the developer for the purpose of addressing remediation costs as part of an economic development activity.

(c) *Funding Reserves*. The cash flow generated by an economic development project may be expected to be relatively ''thin'' in the early stages of the project, *i.e.*, potentially insufficient to meet operating expenses and debt service obligations. The BEDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(d) *Over-Collateralizing the Section 108 Loan*. The use of BEDI grant funds may be structured in appropriate cases to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan directly and therefore enhance the security of the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

The creation of a loan pool funded with both Section 108 and BEDI grant funds, for example, would provide loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio could then be pledged to the repayment of the Section 108 loan.

(e) *Direct Enhancement of the Security of the Section 108 Loan*. The BEDI grant can be used to cover the cost of providing credit enhancements for the Section 108 loan. For example, the BEDI grant can be used to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize, and thus will serve to protect the public entity's future CDBG funds.

(f) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses, non-profit groups or public entities in severely economically distressed neighborhoods. The BEDI grant can be used to make Section 108 financing affordable by serving to ''buy down'' the interest rate up front, or make full or partial interest payments. This might increase the financial viability of the businesses or other entities in the early start-up period, which might not otherwise be possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial or retail project in a brownfield area in order to act as a catalyst for other development in the area.

(g) *Combination of Techniques*. A combination of the above could be employed to implement a BEDI project successfully.

(B) *Eligible Applicants*. (1) Any public entity eligible to apply for Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for BEDI funds; units of general local government that participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR 570, subpart F, applicants will be required to provide evidence in the application from an authorized official of the State agency responsible for administering the State CDBG program stating that it will support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence shall take the form of the HUD Certification titled ''SECTION 108 LOAN GUARANTEES: State Certifications Related to Nonentitlement Public Entities'' included in this program section to the SuperNOFA, or which may be obtained either by downloading from the Internet or in the BEDI Application Kit to be published shortly after publication of this SuperNOFA. Note that effective January 25, 1995, non-entitlement public entities in the State of Hawaii are authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus non-entitlement public entities in all 50 states and Puerto Rico are eligible to participate in the Section 108 and BEDI programs.

(2) Applicants for BEDI projects must comply with the threshold requirements of Section II of the General Section of the SuperNOFA.

(C) *Eligible Activities and National Objectives*. (1) BEDI grant funds and Section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this program section of the SuperNOFA. You are required to submit applications that seek funding for BEDI projects that will contribute to the redevelopment and revitalization of brownfields. Applications that fail to meet the threshold requirements found in Section II(B) of the General Section of the SuperNOFA and the program requirements of this section will not be rated, ranked, or otherwise considered by HUD.

(2) Each activity assisted with Section 108 loan guarantee or BEDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. Applicants must clearly identify in their narrative statement (as described in Section V(B) of this program section below) the CDBG national objective to be achieved by the proposed project and provide the appropriate CDBG national objective regulatory citation found at 24 CFR 570.208. Applicants must also address, when applicable, how the proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the Entitlement and Small

Cities programs, or 24 CFR 570.482 for the State CDBG program.

(3) A grantee's aggregate use of its CDBG funds, including any Section 108 loan guarantee proceeds and Section 108(q) (BEDI) funds provided pursuant to this program section of the SuperNOFA, must comply with the CDBG primary objective requirements as described in Section 101(c) of the Act and 24 CFR 570.200(a) (3) for entitlement grantees, or 570.484 in the case of a recipient under a State's program.

(4) Applicants are reminded of the Department's Policy Priorities for FY 2002 found in SectionVI of the General Section of the SuperNOFA, several of which apply to this program section, as described below, under Rating Factors 3 and 5 in Section V of this program section.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), § 570.702 (Eligible applicants), and § 570.703 (Eligible activities), as explained in Section III (C) of this program section of the SuperNOFA, the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of BEDI funds, as applicable.

(B) *Compliance with Applicable Laws.* Applicants are advised that an award of BEDI funding does not in any way relieve the applicant or third party users of BEDI funds from compliance with all applicable Federal, State and local laws, particularly those addressing the environment. Applicants are further advised that HUD may require evidence that any project involving remediation has been or will be carried out in accordance with applicable law, including voluntary clean up programs.

(C) *Related Section 108 Loan Guarantee Request.* (1) Each BEDI application must be accompanied by a request for new Section 108 loan guarantee assistance. The request may take any of the four forms as defined below. Notwithstanding the form of your request for new Section 108 loan guarantee assistance under paragraphs (a), (b), (c), or (d) below of this Section IV(C), you must include citations to the specific regulatory subsection supporting activity eligibility and National Objectives compliance for the Section 108 funds described in your application. (See Section III(C) of this program section of the SuperNOFA.) Both the BEDI and Section 108 funds must be used in conjunction with the same BEDI project.

(a) A full application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a subsequent new Section 108 loan guarantee application(s). Such a 108 application(s) will be submitted within 60 days of written notice of BEDI selection. BEDI awards will be conditioned on approval of actual Section 108 loan commitments in a specific ratio of BEDI funds to Section 108 funds as approved by HUD in the BEDI award. The application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of the SuperNOFA.)

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the BEDI application. The applicant's submission of such a BEDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related BEDI award.

(d) A request for Section 108 loan guarantee assistance (analogous to Section IV(C)(1)(a) or (b) of this BEDI section of the SuperNOFA) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project is not eligible to be used in conjunction with a BEDI grant under this program section.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or BEDI grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for a BEDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded a BEDI grant of $1 million and had agreed to submit a Section 108 loan application for $10 million in support of that BEDI grant, the public entity's application under this program section of this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Prohibitions on Use of BEDI and Section 108 Funds.* Certain restrictions shall apply to the use of BEDI and Section 108 funds:

(1) BEDI grant funds must not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with BEDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Rev.) Appendix A, Sections II. 2.c. and d., (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(3) BEDI grant funds shall not be used in any manner by grantees to provide public or private sector entities with funding to remediate conditions caused by their own actions, where the public entity (or other known prospective beneficiary of the proposed BEDI grant) has been determined responsible for causation and remediation by order of a court or a Federal, State, or local regulatory agency, or is responsible for the remediation as part of a settlement approved by such a court or agency.

(4) Applicants may not propose projects on sites which are listed or proposed to be listed on EPA's National Priority List (NPL). Further, applicants are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or which are the subject of on-going litigation or environmental enforcement action.

(5) Your attention is called to Section I (D) of the General Section of the SuperNOFA, which notes that the FY 2001 HUD Appropriations Act prohibits the use of funds appropriated under such Act from being used to benefit a facility whose predominant use is the sale of tobacco. See that section for more details.

(6) In addition, BEDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of a BEDI grant pursuant to this SuperNOFA. However, the BEDI grant may be awarded before HUD approval of the Section 108 commitment if HUD

determines that such award will further the purposes of the Act.

(7) A BEDI award will not be made if the Section 108 request contained in the application (See Section IV(C) of this program section) calls for the use of the Section 108-guaranteed obligation solely as security for other financing on the project.

(A) *Time-frames.* BEDI grant awards will contain conditions requiring grantees to adhere to time-frames mutually agreed on by the applicant/grantee and HUD for implementing proposed projects and drawing Section 108 and BEDI funds. However, as a condition of any award under this program section, if the related Section 108 application has not been submitted and approved and the Note guaranteed within fifteen (15) months of written HUD notification of grant award, HUD may deobligate the BEDI funds. In addition, if a grantee should fall fifty percent (50%) or more behind both the stated activity and draw-down schedules provided for in the BEDI grant agreement within the first eighteen (18) months of the grant period, and for each quarter thereafter, HUD may recapture the balance of the grant funds (unless HUD has authorized an amendment to the stated schedules in writing, in which case the aforementioned 50% calculation would apply to the amended and approved schedules). If BEDI grant funds and Section 108 loan proceeds are not disbursed to the applicant within the timeframes specified in the BEDI Grant Agreement, HUD reserves the right to recapture the BEDI funds.

(F) *Limitations on Grant Amounts.* (1) HUD expects to approve BEDI grant amounts for approvable applications with a range of ratios of BEDI grant funds awarded to new Section 108 loan guarantee commitments but the minimum ratio will be $1.00 of Section 108 loan guarantee commitments for every $1.00 of BEDI grant funds. However, if you propose a leverage ratio of exactly 1:1, your application, while still meeting the threshold requirement, will not receive any points under the Rating Factor 4, paragraph (1): ''Leverage of Section 108 Funds.''

To receive points under this Factor, applications will have to exceed the 1:1 minimum ratio, and the higher the ratio, the more points will be awarded. Because the proposed ratio of BEDI funds to Section 108 funds represents an applicant's financial commitment, HUD will condition the BEDI grant award on the grantee's achievement of that specific ratio. Its failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio will result in the cancellation and recapture of all or a proportionate share of the BEDI grant award.

(2) HUD will cap BEDI awards at a maximum of $2 million per project. An application in excess of $2 million will be reduced to the extent HUD determines that such a reduction is appropriate.

(3) After selection, but prior to grant award, if HUD determines that an application can be funded at a lesser BEDI grant amount than requested and still be feasible and consistent with the proposed plan and the purposes of the Act, it reserves the right to reduce the amount of the BEDI award and/or increase the required Section 108 loan guarantee commitment.

(4) In the event you are awarded a BEDI grant that has been reduced below the original request (e.g., your application contained some activities that were ineligible, exceeded the $2 million cap, or there were insufficient funds to fund the last competitive application at the full amount requested), you will be required to modify your project plans and application to conform the terms of HUD approval before HUD will execute a grant agreement.

(5) HUD also will proportionately reduce or deobligate the BEDI award if you do not submit an approvable Section 108 loan guarantee application and issue Section 108-guaranteed obligations on a timely basis (including any extension authorized by HUD) in the amount required by the BEDI/108 leveraging ratio, which will be approved by HUD as a special condition of the BEDI grant award (*see* Section IV(E)(1) above of this program section of the SuperNOFA).

(6) Any modifications or amendments to your application approved pursuant to this SuperNOFA, whether requested by you or by HUD, must be within the scope of the approved original BEDI application in all respects material to rating the application, unless HUD determines that your revised application remains within the competitive range and is otherwise approvable under this SuperNOFA competition.

(7) In the case of a requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d), above), the BEDI assistance approved will be based on the increased amount of Section 108 loan guarantee assistance.

(G) *Timing of Grant Awards and Disbursements.* (1) To the extent you submit a full and complete Section 108 application with the BEDI grant application, HUD will evaluate your Section 108 application immediately following the competition for BEDI grant funds. Note that the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters.

(2) HUD's notice to you of the amount and conditions of BEDI funds awarded, based upon review of the BEDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. However, BEDI funds must not be disbursed to the grantee before the issuance of the related Section 108 guaranteed obligations.

(3) Pursuant to the FY 2002 HUD Appropriations Act (Pub. L. 107–73, under the ''Brownfields Redevelopment'' heading) and 31 U.S.C. 1552(a), FY 2002 BEDI funds must be obligated (i.e., awarded) by HUD by September 30, 2003, and must be disbursed by HUD to the grantee by September 30, 2008. FY 2000 EDI funds must be obligated by September 30, 2002, and must be disbursed by HUD to the grantee by September 30, 2007. FY 2001 BEDI funds are not subject to statutory obligation or disbursement deadlines. In all cases, however, HUD reserves the right to require earlier disbursement under a BEDI grant agreement.

(H) *Economic Opportunities for Low and Very Low-Income Persons, including Those with Disabilities.* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is applicable to BEDI grant recipients. Please see Section II(E) of the General Section of the SuperNOFA.

(I) *Nondiscrimination.* In addition to the other requirements found in Section II of the General Section of this SuperNOFA, Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), is applicable to BEDI grant recipients. Applicants must therefore adhere to HUD regulations at 24 CFR parts 6 and 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507, and must have resolved to HUD's satisfaction any letter of noncompliance findings under Section 109 before the deadline for BEDI application submission.

(J) *Obligation to affirmatively further fair housing.* Grantees that use BEDI funds in projects that involve the construction, rehabilitation, or other provision of residential housing are obliged to affirmatively further fair

housing. Therefore, applicants that propose to use BEDI funds in projects that involve residential housing must include in their applications an explanation of how they propose to further fair housing opportunities for persons on the basis of race, color, national origin, sex, religion, familial status, or disability. Applicants should respond to this requirement under Rating Factor 3, subfactor (1). Affirmative activities include, but are not limited to, initial and periodic assessments of the extent to which affordable and accessible housing opportunities are provided or denied to persons by race, color, national origin, sex, religion, familial status, or disability; outreach to persons in underserved population groups or advocacy organizations representing such persons; and affirmatively fair marketing. Applicants that do not propose to use BEDI funds in projects that involve residential housing should include a statement to this effect in their applications.

(K) *Core Values—your attention is called to Section II(B)(2) of the General Section of the SuperNOFA.*

(L) *Small Businesses—another of HUD's goals, to increase the participation of small and disadvantaged, including women-owned, businesses, if possible, is described more particularly in Section II(F) of the General Section of the SuperNOFA.*

V. The Application Selection Process

(A) Rating and Ranking.

(1) Each rating factor and the maximum number of points are provided below. The maximum number of points to be awarded is 106. To be eligible for funding, a BEDI application must obtain a total score of at least 70 points, of which a minimum of 40 points (out of a maximum possible score of 60 points) must be achieved in Rating Factors 1 (Capacity) and 3 (Soundness of Approach) combined.

(2) All applications meeting BEDI program and threshold requirements will be rated under the selection criteria below. *Applications must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III(C) of this program section of this SuperNOFA). The applicant must also provide narrative statements in response to each of the rating factors below.

Applications will be selected for funding as follows:

(3) All BEDI grant applications that meet threshold requirements will be ranked separately in order of points assigned with the applications receiving more points ranked above those receiving fewer points.

(4) In the event two or more applications are given the same score, but there are insufficient funds to fund all of the tied applications, the application(s) with the highest score(s) on Rating Factor 3 (Soundness of Approach) shall be selected. If there is still a tie, the following Factors will be considered sequentially, with the application having the high score on that Factor taking precedence until the tie is broken: Rating Factor 1 (Capacity and Experience), Rating Factor 2 (Distress/Extent of the Problem), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Coordination, Self-Sufficiency and Sustainability).

(5) Fundable BEDI project applications must meet the threshold requirements stipulated in Section II(B) of the General Section of this SuperNOFA and be complete as required by the submission requirements of this program section of the SuperNOFA or they will not be ranked. Economic development projects will be funded in rank order until the total aggregate amount of the applications funded is equal to the maximum amount available in the competition (subject to the limitations described in Section IV(F) above).

(B) BEDI Narrative Statement

(1) Applications must contain narrative statements printed in 12 point type, with sequentially numbered pages for the entire application, including forms and exhibits. The BEDI narrative statement must not exceed three (3) 8.5″ by 11″ pages, doubled-spaced. The BEDI narrative statement should:

(a) Describe the activities that will be carried out with the BEDI grant funds, and explain the nature and extent of the brownfield problem(s) affecting the the site and/or structure(s) already on the site; and

(b) Describe how the proposed uses of BEDI funds will meet the National Objectives under 24 CFR 570.208 of the CDBG program and qualify as eligible activities under 24 CFR 570.703. *Applications must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III(C) of this program section of this SuperNOFA).

(2) The applicant must also provide in narrative form responses to each of the rating factors below.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will evaluate all applications for funding assistance based on the following factors, the responses to which demonstrate the quality of the proposed project or activities, and the applicant's capacity and commitment to use the BEDI funds in accordance with the purposes of the Act.

(D) Responses to Rating Factors 1–5 below shall not exceed fifteen (15) double-spaced pages combined.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points Maximum)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' will include any subcontractors, consultants, and sub-recipients that are firmly committed (see definition in Section III(A)(1) above) to participate in the activities described in the application. In rating this factor, HUD will consider the following:

(1) (up to 15 points) The applicant should demonstrate that it has the organization, the staff and financial resources in place to implement the specific steps required to successfully carry out its proposed BEDI/Section 108 project. Evidence of this capacity includes:

(a) Performance in the administration of its CDBG, HOME or other HUD programs;

(b) Performance, if any, in carrying out economic development projects similar to that proposed, including brownfields economic development or redevelopment projects, if any, and the ability to conduct prudent underwriting, if applicable;

(c) Ability to carry out projects and programs in a timely manner. An applicant must address its performance in spending previously awarded funds, if any, in a timely manner, including, for CDBG entitlement recipients, the extent to which it has met the HUD standard of having no more than 1.5 times its entitlement amount undisbursed (see 24 CFR 570.902(a)(1)(i)); and,

(d) If applicable, capacity to manage projects and funds awarded as a result of a federal Empowerment Zone/ Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation).

(e) An applicant that has previously received an EDI or BEDI grant award must describe the status of the implementation of those project(s) assisted with EDI or BEDI funds, any delays that have been encountered and the actions it is taking to overcome any

such delays in carrying out the project(s) in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out approved activities funded with such grant funds and the associated Section 108-guaranteed loan funds.

If any of the rating criteria listed under (a) through (e) above do not apply to an application, the rating for this subfactor (1) shall be based solely upon the other applicable criteria.

(2) (up to 10 points) Experience and performance of subrecipients, nonprofit organizations and other entities, if any, that have a role in implementing the proposed BEDI/108 program should be included in the response to this subfactor (2). If there are no third parties participating with the applicant in the proposed project, points under this subfactor (2) will be allocated under subfactor (1) and added to the maximum points possible under it.

Experience will be judged in terms of recent (i.e., within the past 3 years) and successful performance of activities relevant to those proposed in the BEDI application. The more recent and extensive the experience, the greater the number of points that will be awarded for this Factor.

In responding to sections (1) and (2) above of this Factor, applications that merely summarize the amount of funds received/spent/under management will receive fewer points than those providing specific measurable information on accomplishments.

In addition to the application, HUD also may rely on information at hand or available from public sources such as newspapers, from performance and/or monitoring reports, Inspector General or Government Accounting Office reports or findings, hotline complaints that have been proven to have merit, audit reports and other available information in rating this Factor.

Rating Factor 2: Distress/Extent of the Problem (20 Points Maximum)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress in both the jurisdiction of the public entity that is the applicant *and* the geographic area that will benefit from the project. In responding to this Factor, applications will be evaluated on the extent to which the level of distress is documented and compared with national data.

(1) In applying this Factor, HUD will consider current levels of distress defined in standard geographic terms in the area (*i.e.*, Census Tract(s) or Block Groups immediately surrounding the project site up to a radius of one-half mile), or it may be the target area proposed to be served by the project, along with the jurisdiction in which the project is to be located. The applicant should describe the nature of the distress that the project is designed to address and the rationale for its definition of the area to be benefited. Examples of project beneficiaries include: (a) those receiving or using products or services produced by the project, and (b) those employed by the project.

To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy found therein identify the level of distress in the jurisdiction and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the area for which benefit is claimed could still receive points under this Factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in the target area.

(2) Applicants should provide data that address the following specific indicators of distress:

(a) Poverty rate (up to 8 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area and the applicant's jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Equal to or greater than, but less than twice, the national average: 2 points;

(ii) Equal to or greater than twice, but less than three times, the national average: 5 points;

(iii) Equal to or greater than three times the national average: 8 points.

(b) Unemployment (up to 8 points)—an application that compares the local unemployment rate for the applicant's jurisdiction and the target area in the following manner to the national average at the time of submission will receive points under this Section as follows:

(i) Equal to or greater than, but less than twice, the national average: 2 points;

(ii) Equal to or greater than twice, but less than three times, the national average: 4 points;

(iii) Equal to or greater than three times, but less than four times, the national average: 6 points;

(iv) Equal to or greater than four times the national average: 8 points.

(c) Other Indicators of social and/or economic decline that best capture the applicant's local situation (up to 4 points)—examples that could be provided under this section include information demonstrating the target area and the jurisdiction's stagnant or falling tax base, including recent (within the last three years) commercial or industrial closings, downturns or layoffs; housing conditions, such as the number and percentage of substandard and/or overcrowded units; rent burden (defined as average housing cost divided by average income) for both the target area and jurisdiction; local crime statistics.

HUD requires use of sound and reliable data (*e.g.*, U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

Unemployment rate—estimated monthly for counties, with a two-month lag;

Poverty rate—estimated every two years, with a three-year lag, with 2000 being the most recent available.

In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, in order to compare such data to those provided by applicants.

Rating Factor 3: Soundness of Approach (35 Points Maximum)

This factor addresses the quality and cost-effectiveness of the proposed plan. The relationship between the proposed eligible activities, community needs and purposes of the program funding must be clearly described, as follows, in order to receive points for this Factor. In rating this Factor, HUD will consider the following:

(1) Consistency/appropriateness of proposed activities with identified needs. (Up to 8 points)—The extent to which the proposed plan for use of BEDI grant/Section 108-guaranteed loan funds will address the needs described in Rating Factor 2 above regarding the distress and extent of the problem in the target area or area to be benefited. The

applicant should provide a clear and quantified explanation of this relationship. As part of the response to this Factor, an applicant should also identify the specific eligible activities it will carry out, and should fully describe:

(a) How the project will achieve one of the National Objectives under the Community Development Block Grant program, and

(b) How the project will address the applicant's Consolidated Plan and its Analysis of Impediments, if any, including the following issues:

(i) Affordable housing—the extent to which the applicant will offer current residents of the proposed site or area that will benefit from the proposal an opportunity to relocate to environmentally healthy housing or neighborhoods which have more amenities and services, better employment and educational opportunities, and to housing that provides the accessibility and visitability features that families require, or to remain in the revitalized neighborhood, if applicable; and

(ii) The extent to which it will be used to accommodate people with disabilities.

(2) Feasibility and Demonstrable Benefits. (Up to 15 points)—The extent to which the plan is logical, feasible and likely to achieve its stated purpose. HUD's desire is to fund projects and activities that will quickly produce demonstrable results and advance the purposes of the BEDI program. Points for this subfactor will be awarded in two parts, for the following:

(a) Understanding of Steps to Implement. (Up to 8 points)—The extent to which the plan demonstrates a clear understanding of the steps required to implement the project, including the actions that all parties responsible for implementing the project must complete.

(i) Pre-construction—the extent to which your response to this Factor takes into account site selection, planning, and environmental issues typical of many brownfields remediation efforts will be considered under this subfactor. You are cautioned, for example, against proposing projects on sites where the nature and degree of environmental contamination is not well-quantified or that are the subject of on-going litigation or environmental enforcement. Moreover, sites with unknown or exceptionally expensive contamination problems may be beyond the scope of the BEDI program's financial resources, and sites subject to pending and current litigation may not be available for remediation and development or redevelopment in a time-frame consistent with HUD's desire for rapid progress in the use of BEDI and Section 108 funds.

(ii) Description of problem and solution—the applicant should explain each undertaking and the sequence of undertakings that are required to complete the project. This includes a full description of both the problem (including, but not limited to, the extent of environmental contamination) and the benefits that will accrue from the project, i.e., permanent jobs, amount of commercial or industrial space, housing units to be provided, and the timing of the delivery of benefits. For multi-phase projects, the response to this Factor must clearly delineate the different phases, whether or not they are to be funded by BEDI/Section 108 funds, as well as a proposed schedule for drawing down all funds necessary to complete the project, including BEDI and Section 108 funds.

(iii) Monitoring performance—the extent to which applications describe means of assessing progress, tracking performance goals and achievements against Plan objectives.

(b) Timeliness (Up to 7 points)—The extent to which the plan demonstrates that the project is ''ready to go'', *i.e.,* will produce demonstrable benefits within a short period of time.

(i) Applications providing evidence that authority necessary to proceed with the project activities identified in subfactor (a) above, such as any necessary zoning classification, waivers, general and special use permits, assessment district designation, public easements and rights-of way, memoranda of understanding, site control, etc., have been sought and/or received will receive up to three (3) points for this subfactor (i).

(ii) The applicant should provide a specific time schedule (with both beginning and end dates) for carrying out the project and identify measurable objectives (acquisition, site improvements, construction, etc.) to be accomplished. (Up to 2 points)

A timeline form is provided in Appendix A to this program section of the NOFA and also in the Application Kit for this purpose, but HUD will consider the timeline only as an illustration of the narrative response to this subfactor (2).

(iii) BEDI applications accompanied by a full and complete Section 108 application will receive up to two (2) points for this subfactor (iii).

(3) Financial Feasibility/Need (up to 10 Points)—The extent to which the applicant demonstrates that its project is financially feasible based on its proposed use of BEDI and Section 108 funds. In responding to this subfactor (3), the applicant must clearly address the question of why the BEDI funds are critical to the success of this project by providing the following items, as applicable:

(a) Project costs and financial requirements—a funding sources and uses statement, as well as the derivation of project costs;

(b) How the BEDI and Section 108 funds will be used;

(c) The applicant's criteria for determining funding need and feasibility;

(4) Other (Up to 2 Points)—

(a) The extent to which the project demonstrates energy-efficient solutions to the problems addressed in Rating Factor 2 above, in the construction and/or the operation phases once the overall project is completed. Examples of such conservation and/or other efficiencies include the following: combining heat and power systems as part of electrical generation; adopting Department of Energy weatherization guidelines for property rehabilitation; and purchasing Environmental Protection Agency-identified Energy Star appliances. (Up to 1 point)

(b) Applications providing evidence of partnership, funding and/or subcontracting agreements with grassroots organizations, as defined in Section II(F)(2) of the General Section of the SuperNOFA, will receive up to one (1) point under this subfactor (b).

Rating Factor 4: Leveraging Resources (15 Points Maximum)

In evaluating this factor, HUD will consider the extent to which the response demonstrates the likelihood that the project will leverage both Section 108 loan and other public or private funds as part of the total project resources. This factor has two subfactors, each with its own maximum point total:

(1) *Leverage of Section 108 funds.* (Up to 8 points)—

The minimum ratio of Section 108 funds to BEDI funds in any project may not be less than 1:1. The extent to which the proposed project leverages an amount of Section 108 funds greater than a 1:1 ratio will result in that application's receiving a higher number of points. If the application has a ratio of 1:1, it will not receive any points under this subfactor. The higher the ratio of additional new Section 108 funds to BEDI funds proposed in an application, the more points it will receive under this subfactor. (*See* Section IV(F)(1) and (5) of this program section of the SuperNOFA regarding the

conditioning of BEDI awards on achievement of a specific BEDI/Section 108 leveraging ratio.)

(2) *Leverage of Other Financial Resources.* (Up to 7 points)—

HUD will evaluate the extent to which other funds (public or private) are leveraged by BEDI grant funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered committed to the project if they meet the definition of ''Firm Commitment'' found in Section III(A)(1) above, and may be subject to completion of any environmental review required under 24 CFR part 58 for the project.

Rating Factor 5: Coordination, Self-Sufficiency & Sustainability (5 Points Maximum)

This factor addresses the extent to which the applicant has coordinated its activities with other organizations not directly participating in the proposed project, but which share common community development goals; the extent to which it participates or promotes participation in its or the State's Consolidated Planning process; and that it is working towards addressing a need described in Rating Factor 2 above in a comprehensive manner through linkages with other activities in the community.

(1) Coordination—in evaluating this factor, HUD will consider the extent to which the applicant demonstrates it has coordinated its proposed activities with those of other groups or organizations, including other federal, state or local governmental activities in the area, if any, before submission, in order to best complement, support and coordinate all activities; and developed specific steps to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place, or that will be in place after award, should be described in the application.

(2) Developed linkages—applications should describe linkages with other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of the project area, i.e., specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate activities), so that solutions are holistic and comprehensive.

(3) Self-sufficiency—applications should describe the extent to which project activities will result in long term physical and economic improvement for the current residents of the target area or neighborhood in which the project will be carried out, and which will allow them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits the project is expected to generate.

(4) Sustainability—the extent to which the project incorporates one or more elements that facilitate a successful transition of welfare recipients to work, including the number of jobs that are part of career path or apprenticeship programs to be created by the project and the impact of the project on job creation that will benefit individuals on welfare or low-to very low-income persons. Such an element could include, for example, linking the proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with BEDI/Section 108 funds to hire and train welfare recipients, including those with disabilities.

Bonus Points

An application may receive up to six (6) bonus points, until the maximum of six points are achieved. Two bonus points may be awarded for each of the following:

(a) Projects that are located either in federally-designated Empowerment Zones, Enterprise or Renewal Communities, or Strategic Planning Communities (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of designated communities);

(b) Projects that are located in Brownfields Showcase Communities designated by EPA (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of Showcase communities.)

(c) Qualifying projects in the City of Dallas, Texas, as mandated by a decision by the U.S. District Court for the Northern District of Texas, Dallas Division. Up to two (2) additional points will be awarded to an application that describes how the use of BEDI and Section 108 loan funds will be used to help eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. For specific details, please see Section III(C)(3) in the General Section of the SuperNOFA.

VI. Application Submission Requirements

(A) *BEDI Funding.* An application for a BEDI grant under this program section of the SuperNOFA must have the following items to be complete. The standard forms, certifications and assurances that are required for the BEDI application (and listed in paragraph (I) below) can be found in Appendix B to the General Section. The remaining application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the ''non-standard forms'', can be found in Appendix A to this program section of the SuperNOFA.

(B) *Transmittal Letter* signed by the authorized representative of the eligible applicant indicating that it is submitting the application for funding under the Brownfields Economic Development Initiative Program and is requesting funding consideration for a BEDI project.

(C) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in the application (form HUD–40076–EDI/BEDI).

(D) *BEDI Narrative Statement* (not to exceed 3 pages) describing BEDI-funded eligible activities within the proposed project. (See Section V(B) of this program section.)

(E) *EDI/BEDI/Section 108 Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076–EDI/BEDI).

(F) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(G) *Narrative Responses to Factors for Award (not to exceed 15 pages overall):*

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the capacity of your organization and staff to perform the work for which it is requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting the statement of need. Optional form HUD–40076-EDI/BEDI may also be used as a format to respond to this Factor for Award.

(3) Rating Factor 3: Soundness of Approach. Include the activities, budget and time frame for conducting activities in the response (see form HUD 40076–EDI/BEDI).

(4) Rating Factor 4: Leveraging Resources. The response should include a completed copy of form HUD–40076–EDI/BEDI, ''Rating Factor 4: Leveraging Resources—Sources and Uses Statement.''

(5) Rating Factor 5: Coordination, Self-sufficiency and Sustainability: Provide a narrative response to this factor.

(H) *Request for Funds.* A single application must contain a request for funds for a single BEDI/108 project. An applicant may submit more than one application for each additional unrelated BEDI/108 project, but in no event will HUD rate and rank more than one BEDI project per application.

(I) *Additional Application Forms and Certifications.* In addition to any forms that have been submitted in response to Section VI (A)—(H) above (which may be found at Appendix A), the following forms and certifications must also be submitted in accordance with Section II(H) of the General Section of this SuperNOFA:

(1) Application for Federal Assistance (Standard Form (SF–424);

(2) Federal Assistance Funding Matrix (HUD 424–M);

(3) Standard Form for Assurances—Non-Construction Programs (SF 424–B) and/or Standard Form for Assurances—Construction Programs (SF 424–D): not required for BEDI applications since the ''Leveraging Resources—Sources and Uses Statement'' serves the same purpose as a budget form, but must be submitted with the Section 108 application. Since these forms contain assurances of compliance with civil rights and other regulatory requirements, BEDI applicants may elect to provide the signed assurances either with the BEDI or the Section 108 application.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD–50071, (and if applicant and/or participating parties are engaged in lobbying, the Disclosure Form Regarding Lobbying, SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880;

(7) Certification Regarding Debarment and Suspension, HUD–2992;

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990;

These forms are found in the Appendix B to the General Section of this SuperNOFA. The non-standard forms for the BEDI applications are in Appendix A to this program section.

If an applicant wishes to receive an acknowledgment of HUD's receipt of its application, it should submit a completed Acknowledgment of Receipt of Application form.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of BEDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the BEDI grantee and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. No such assistance will be released by HUD until a request for release of funds is submitted and the requirements of 24 CFR part 58 have been met. All public entities, including non-entitlement public entities, shall submit the request for release of funds and related certification, required pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* (1) Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

(2) Brownfields are often located in distressed neighborhoods, contribute to neighborhood blight, and lower the quality of social, economic, and environmental health of communities. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites and HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide demonstrable benefits for affected communities and their current residents for the long term.

IX. Authority

Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301); 24 CFR part 570.

Appendix A

The non-standard forms for your BEDI application follow.

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APPENDIX A

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

Check Off		Page Number
☐	Standard Form for Application for Federal Assistance (SF-424)	cover page 1
☐	Transmittal Letter	cover page 2
☐	Checklist and Submission Table of Contents	p. 1
☐	Applicant Narrative Statement (3 pages)	p. _____
☐	EDI/BEDI/108/CDBG Funding Eligibility Statement form (2 pages)	p. _____
☐	**Request for Loan Guarantee Assistance** (check off one of the four options)	p. _____
	☐ Formal application	
	☐ Brief description; formal application to be submitted in 60 days	
	☐ Copy of previously submitted, but not yet approved, Section 108 application.	
	☐ Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
☐	#1 Capacity of the Applicant and Relevant Organizational Experience	p. _____
☐	#2 Distress/Extent of the Problem	p. _____
	☐ Distress/Extent of the Problem form (optional)	p. _____
☐	#3 Soundness of Approach	p. _____
	☐ Project Timeline form	p. _____
☐	#4 Leveraging Resources/Financial Need	p. _____
	☐ Sources and Uses Statement form	p. _____
☐	#5 Coordination, Self-Sufficiency & Sustainability	p. _____
	Application Forms and Certifications	
☐	Section 108 Certifications	p. _____
☐	Federal Assistance Funding Matrix (HUD 424-M)	p. _____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. _____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. _____
☐	Certification Regarding Debarment & Suspension (HU D-2992)	p. _____
☐	Certification of Consistency w ith EZ/EC/RC Strategic Plan (HUD-2990)	p. _____
☐	Certification for a Drug-Free Workplace (HUD-50070)	p. _____
☐	Certification of Payments to Influence Federal Transactions (HUD-50071)	p. _____
	Certification of Consistency with the Consolidated Plan (HUD-2991)	
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. _____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 3	p. _____
☐	Acknowledgment of Application Receipt	last page

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

	Required Indicator	Target Neighborhood	Jurisdiction	Data Source & Date
1	Poverty Rate			

	Optional Indicators	Target Neighborhood	Jurisdiction	Data Source & Date
2	Unemployment			
3	Median Income			
4				
5				
6				
7				
8				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Neighborhood: _____

_____

Jurisdiction: _____

_____

RATING FACTOR 3: SOUNDNESS OF APPROACH
PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of proje of pr oject term. Use as many as you need to show beginning -- end timeframes for all phases.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

form HUD-40076- EDI/BEDI (8/2004

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 **Acquisition of Real Property** 24 CFR 570.703(a)				
2 **Rehabilitation of Publicly Owned Real Property** 24 CFR 570.703(b)				
3 **Payment of Interest** 24 CFR 570.703(c)				
4 **Relocation Payments** 24 CFR 570.703(d)				
5 **Clearance, Demolition, Removal** 24 CFR 570.703(e)				
6 **Site Preparation** 24 CFR 570.703(f)				
7 **Payment of Issuance Fees** 24 CFR 570.703(g)				
8 **Housing Rehabilitation** 24 CFR 570.703(h)				
* 9 **Economic Development Activities** 24 CFR 570.703(i) (and 570.203/.204)				
10 **Construction of Housing** 24 CFR 570.703(j)				
11 **Debt Service Reserve** 24 CFR 570.703(k)				
12 **Public Facilities** 24 CFR 570.703(l)				
13 **Public Facilities - Colonias** 24 CFR 570.703(m)				
14 **Subtotal**				
15 **Costs Paid with Non CDBG-Related Funds**				
16 **Total Project Costs** 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.

2/ CDBG grants and program income other than EDI, BEDI or Section 108.

3/ This figure should match the total provided on the Sources & Uses stateme nt.

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/			
Single Project (check one only)		**Loan Fund** (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs:

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area:

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

PROGRAM OVERVIEW

Purpose of the Program. To facilitate and encourage innovative homeownership opportunities through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction of the new dwelling.

Available Funds. Approximately $22 million.

Eligible Applicants. You must be a national or regional nonprofit organization or consortium.

Application Deadline. June 19, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information:

I. Application Due Date, Standard Forms, Further Information, and Technical Assistance

Application Due Date. Applications for SHOP grants are due on or before June 19, 2002.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (*e.g.,* mailed applications, express mail, or overnight delivery).

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (UPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without an escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received in HUD Headquarters on or within fifteen (15) days of the application due date. Applicants must obtain and save a Certificate of Mailing showing the date, when your application was submitted to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express service no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Submit one original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Processing and Control Unit, 451 Seventh Street, SW, Room 7251, Washington, DC 20410, ATTN: Self-Help Homeownership Opportunity Program (SHOP).

For Application Forms. Only national and regional nonprofit organizations and consortia are eligible to apply. There is no separate application kit. This notice contains all the information necessary for submission of your application. Copies of the standard forms are located in the General Section of this SuperNOFA or you may request copies by calling HUD's SuperNOFA Information Center at: 1–800-HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting standard forms, you should refer to SHOP and provide your name and address (including zip code) and telephone number (including area code). See Section VI for application submission requirements. You may also access the application requirements on the Internet through HUD's web site at *www.hud.gov/grants.*

Further Information and Technical Assistance. You may contact Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–2684, ext. 4594 (this is not a toll-free number). This number can be accessed via TTY by calling the Federal Information Relay Service Operator at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

The amount available for this program is approximately $22 million. Any unobligated funds from previous competitions or additional funds that may become available, as a result of deobligation or recaptures from previous awards or budget transfers, may be used in addition to the Fiscal Year 2002 appropriation to fund applications submitted in response to this NOFA.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* SHOP is intended to facilitate and encourage innovative homeownership opportunities on a national geographically-diverse basis through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction or rehabilitation of the dwelling.

Decent, safe, and sanitary non-luxury dwellings developed under SHOP must be made available to eligible homebuyers at prices below the prevailing market prices. Eligible homebuyers are low-income individuals and families (those whose annual incomes do not exceed 80 percent of the median income for the area, as established by HUD) who are unable to purchase a dwelling. Housing assisted under this Notice must involve community participation through the use of homebuyers and/or volunteers in the construction of dwellings and by other activities that involve the community in the project.

(B) *Eligible Applicants.* You must be a national or regional nonprofit organization or consortium that has the capacity and experience to provide or facilitate self-help housing homeownership opportunities. Local affiliates of national or regional organizations or consortia must apply as part of the national or regional organization or consortia and may not apply for SHOP independently. ''Regional'' is defined for the purpose of this program section of the SuperNOFA to be a ''regional area'' such as the Southwest or Northeast that must include at least two or more States (the States need not be contiguous and the operational boundaries of the organization need not precisely conform to State boundaries). If you are a consortium, one organization must be chosen as the lead entity. The lead entity must submit the application and,

if selected for funding, will execute the grant agreement and assume primary responsibility for carrying out grant activities in compliance with all program requirements. Other participants in your consortium must be identified in your application.

Your application may not propose a partnership with or funding for any affiliate or consortium member that is also included in another SHOP application. You must assure that any affiliate or consortium member under your FY 2002 application is not also seeking funding from another SHOP applicant for FY 2002 funds.

(C) *Eligible Activities.* The only eligible activities are: (1) land acquisition (including financing and closing costs), which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced to acquire land before completion of the review; (2) infrastructure improvements (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure, including removal of environmental hazards); and (3) administration, planning and management development as defined under the HOME Investment Partnerships Program (24 CFR 92.207) and not to exceed 20 percent of any SHOP grant. Funding of eligible activities may be used for both single-family and multifamily dwellings.

(D) *Ineligible Costs:* Costs associated with the rehabilitation, improvement, or construction of dwellings *are not eligible* uses of program funds.

IV. Program Requirements

In addition to meeting the Requirements and Procedures Applicable to All Programs in Section II of the General Section of this SuperNOFA, you are subject to the following SHOP requirements:

(A) *Conducting Business In Accordance With Core Values and Ethical Standards:* See Section II(B)(2) of General Section of the SuperNOFA.

(B) *Statutory Requirements.* You must comply with all statutory requirements applicable to SHOP as cited in Section IX of this program section below. There are no regulations for this program. You must be capable of:

(1) Developing, through significant amounts of sweat-equity and volunteer labor, at least 30 dwellings at an average cost of no more than $10,000 per unit in SHOP funds for land acquisition and infrastructure improvements;

(2) Using your grant to leverage other sources of funding, including private or other public funds, to complete the housing units;

(3) Developing quality dwellings that comply with local building and safety codes and standards and which will be available to homebuyers at prices below the prevailing market price; and

(4) Scheduling activities to expend all grant funds awarded and substantially fulfill your obligations under your grant agreement, including timely development of the appropriate number of dwelling units. Grant funds must be expended within 24 months, except that grant funds provided to affiliates and consortium members that develop five or more units must be expended within 36 months.

(C) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* If you fund infrastructure improvements under this program, you are required to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons) and the HUD regulations at 24 CFR part 135, including the reporting requirements in subpart E. Section 3 requires that you provide training, employment and other economic opportunities, to the greatest extent feasible, to: (1) Low- and very low-income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low- and very low-income persons.

V. Application Selection Process

(A) *Rating.* HUD will review all applications in accordance with the Application Selection Process in Section III of the General Section of this SuperNOFA. HUD will review all applications based on the threshold factors listed in Section V(D) of this program section below. Applications that meet all threshold requirements will be rated according to the selection factors in this section of the SuperNOFA. Applications that do not meet all threshold factors will be rejected and not rated.

(B) *Ranking and Selection Procedures.* Applications that receive a total rating of 70 points or more (without the addition of Empowerment Zones/Enterprise Communities/Urban Enhanced Enterprise Communities/Strategic Planning Communities, or Renewal Communities [RC/EZ/ECs] bonus points) will be eligible for selection, and HUD will place them in rank order. After adding any bonus points for RC/EZ/ECs, HUD will consider rank order and funds availability in the selection and funding of applications.

HUD reserves the right to fund less than the full amount requested in any application to ensure a fair distribution of the funds and that dwellings will be developed on a national geographically-diverse basis as required by the statute. HUD will not fund any portion of an application that is ineligible for funding under program statutory requirements, or which does not meet the requirements of the General Section of this SuperNOFA or the requirements in the SHOP section of the SuperNOFA. HUD will not fund any eligible applicant for less than the minimum amount necessary to complete at least 30 homes (at a maximum investment of $10,000 per home or a lesser amount if lower costs are reflected in the application). If funds remain after all selections have been made, these funds may be available for other competitions.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and not longer than 120 days, HUD will, upon receiving a written request from an applicant, provide a debriefing to the requesting applicant. Materials provided during a briefing will be the applicant's final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW, Washington, DC 20410.

(D) *Threshold Requirements.* The following threshold requirements apply specifically to SHOP. You must also be sure to address the threshold requirements listed in Section II(B) of the General Section of the SuperNOFA and must submit all forms, certifications, and assurances identified in Section II(H) of the General Section.

(1) You, the applicant, must be eligible to apply under SHOP (see Section III(B) of this program section of the SuperNOFA).

(2) The amount of funding you request must support no less than 30 self-help units and may not exceed an average investment of $10,000 per unit in SHOP funding.

(3) The population you plan to serve must be eligible under SHOP (see Section III(A) of this program section of the SuperNOFA).

(4) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed a significant amount of sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

Submission Threshold Requirements:

(1) Evidence of your non-profit status, such as a copy of a current Internal Revenue Service ruling that your organization is exempt from taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986. Where an IRS ruling is unavailable, you may submit a certified copy of your approved charter, articles of incorporation or bylaws demonstrating that you are established as a nonprofit organization under state law. If you are a consortium, each participant in your consortium must be a nonprofit organization. Each consortium member must submit evidence of its nonprofit status to the lead entity for inclusion in the Consortium's application package.

Submission threshold requirements (2) through (4) require no additional submissions. These requirements are addressed under the submission requirements for the rating factors listed in Section V(D) of this program section of the SuperNOFA below.

(E) *Factors for Award Used to Evaluate Applications.* HUD will rate all SHOP applications that successfully complete technical processing using the Rating Factors and the Application Submission Requirements described below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in Section III(C)(1) of the General Section of the SuperNOFA. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including accounting for funds appropriately, the timely use of funds received from HUD, meeting performance targets for completion of activities, and the number of persons served.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor examines the extent to which you, as a single applicant or as a consortium (including affiliates and/or members of the consortium, if any), have the experience and organizational resources necessary to carry out the proposed activities in a timely manner.

In evaluating this factor, HUD will consider your recent and relevant experience in carrying out the activities you propose, and your administrative and fiscal management capability to administer the grant, including the ability to account for funds appropriately. HUD will assess your organization's past performance based upon performance reports for completion of activities and the number of families/persons provided housing, financial status information focusing on expediency of draws and use of funds, monitoring reports, audit reports and other information available to HUD in making its determination under this factor. If you are not a current recipient of HUD funds, you should submit any existing internal or external performance reports or other information that will assist HUD in making this determination.

Submission Requirements for Rating Factor 1.

(1) You must describe your past experience in carrying out activities (describe the time frame when these activities occurred) that are the same as, or similar to, the activities you propose for funding, and demonstrate reasonable success in carrying out those activities. You may demonstrate such reasonable success by showing that your previous activities were carried out as proposed consistent with the time frame you proposed for completion of all work. You must show that established benchmarks for acquiring properties and completing housing construction were met and performance reports were submitted, as required. You must also describe any delays that were encountered, and the actions you took to overcome such delays to successfully complete your program.

(2) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA. In identifying these recent projects, please include all projects completed, regardless of whether they were funded with Federal, State, local, public or private funds.

(3) You must provide a description of your organization's management structure. You must also describe how you will staff and manage your proposed activities within the organization if funds are awarded.

(4) You must demonstrate your ability to handle financial resources with adequate financial control and accounting procedures. You must describe how your financial control procedures meet 24 CFR 84.21, ''Standards for Financial Management Systems.'' You must provide a copy of your most recent audit (only an audit of the lead entity must be provided with an application for a consortium).

(5) You must demonstrate your experience and ability in constructing and altering homes by describing the kinds of features that you have used to design homes in accordance with universal design or otherwise make homes accessible to the elderly or persons with disabilities.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor examines the extent to which you identify the community need, or problem, or distress that your proposed activities will target, and the urgency of meeting that need.

The purpose of this factor is to make sure that funding is provided where a need for funding exists. Under this factor, you must identify the need or needs in the community that your proposed activities are designed to address or, if you plan to select specific affiliates only after you receive SHOP funding, you must demonstrate how you plan to identify need prior to your selection of affiliates.

Submission Requirements for Rating Factor 2.

(1) Identify the communities or areas in which your proposed activities will be carried out or how you will select communities or projects based on need after you have received an award under SHOP.

(2) Depending on the type of activities proposed, the kind of information you submit to demonstrate the need or needs in the target area may include, but is not limited to, one or more of the following:

(a) Housing market data such as information included in the local Five Year Consolidated Plan or other data sources;

(b) Data dealing with such factors as housing density, housing affordability, housing age or deterioration, and lack of adequate infrastructure or utilities;

(c) Data on the need for accessible homes in the area;

(d) Evidence of housing discrimination;

(e) Evidence from the local Analysis of Impediments to Fair Housing Choice that shows the need for this program.

Rating Factor 3: Soundness of Approach (45 Points)

This factor examines the quality of your plan of proposed activities. In evaluating this factor HUD will consider:

(1) Your specific use of SHOP funds, the number of units and the type(s) of housing to be constructed, and the use of sweat equity/volunteer labor; your established timeline for performance; your schedule for expending funds and completing construction; the proposed budget and cost effectiveness of your program; and your plans to reach all potentially-eligible homebuyers, including those with disabilities or least likely to apply. You may not require a homebuyer to make financial contributions to a unit other than cash contributed for down payment or closing costs at the time of acquisition.

(2) How your planned activities further the Department's FY 2002 policy priorities noted in Section VI of the General Section. You will receive one rating point for each priority addressed in your program of activities and associated with performance measures. For FY 2002, HUD's policy priorities are:

(i) Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities and the Elderly, and Minorities and Families where English may be a second language.

(ii) Improving the Quality of Public Housing and Providing More Choices for Its Residents.

(iii) Encouraging Accessible Design Features: Visitability in New Construction and Substantial Rehabilitation Activities and Universal Design.

(iv) Improving Computer Access, Literacy, and Employment Opportunities.

(v) Providing Full and Equal Access to Faith Based and Other Community Based Organizations in HUD Program Implementation.

(vi) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(vii) Colonias.

Submission Requirements for Factor 3

(1) Identify all activities you propose to fund with SHOP.

(2) Provide a timetable for the selection of your participating local affiliates if they are not specified in the application.

(3) Identify the housing type(s) (single family or multifamily, or both) you plan to develop and the form of ownership (fee simple, condominium, cooperative, etc.) you propose to use.

(4) Submit a construction and completion schedule which expends SHOP funds and substantially fulfills your obligations, including the development of the appropriate number of dwelling units, within 24 months, or in the case of affiliates that develop five or more units, within 36 months, and demonstrates that remaining housing construction will be completed within a reasonable period of time.

(5) Submit a timeline listing milestones against which HUD is to measure your performance progress in expending funds, and completing acquisition, infrastructure and housing construction activities within the schedule in Item 4 above. These milestones should be at reasonable intervals (*e.g.*, monthly, quarterly, etc.).

(6) Describe how your proposed activities address the need or needs you have identified under Rating Factor 2 above.

(7) List the long- and short-term benefits from your activities to the community and targeted groups within the community, and describe how you will ascertain and measure the benefits.

(8) Provide a detailed budget with a break out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) in the SF–424A. If SHOP funds will be used for administration of your grant, you must include the cost of monitoring affiliates once during the grant period. Your budget must also include leveraged funding to cover all costs of completing the proposed number of units.

(9) Demonstrate that projected costs for the proposed activities do not deviate substantially from the norm in the locale in which your activities will take place, will not exceed an average cost of $10,000 per unit in SHOP funds, and illustrate your ability to carry out your proposed activities cost effectively.

(10) Describe how each of the Department's policy priorities are furthered by your proposed activities. To receive a point for a policy priority, you must describe how your proposed work activities address the specific policy and list proposed performance measurements related to it.

(11) Describe how you will reach potential homebuyers through the use of services and materials that are accessible or visitable to all persons, including persons with disabilities (*e.g.*, languages, formats, locations, distribution, and use of minority media to attract those least likely to apply).

(12) Describe your criteria and procedures for selecting homebuyers and how activities will benefit eligible homebuyers.

(13) Describe how your proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations, communities, and/or State and local governments.

(14) Describe how your program will provide reasonable accommodations for persons with a variety of disabilities by providing ''sweat equity'' assignments that can be performed by the client regardless of disability.

Rating Factor 4: Leveraging Resources (15 Points)

This factor addresses your ability to secure other resources that can be combined with HUD's program resources to achieve the purposes of SHOP. HUD will consider only those leveraging contributions for which current firm commitments have been provided. Leveraging can be counted only if you have secured a firm financial commitment described and listed under this Factor. A firm commitment letter means the agreement by which the contributing partner or entity agrees to perform an activity specified in your application which should demonstrate your financial capacity to deliver the resources necessary to carry out the activity. Firm commitments of resources may be in the form of cash funding, in-kind contributions, or personnel from Federal, State, local, and private sources, which are jointly referred to as your leverage partners. HUD will also consider the extent that the applicant's proposed sweat-equity requirements and other leveraged resources will serve to reduce costs to the homebuyers.

Submission Requirements for Factor 4

(1) Provide a list of amounts and sources of all firm commitments of cash funding, in-kind contributions, or personnel from other Federal, State, local, and private sources which will be available to complete your project. Together with the grant funds, these commitments must be sufficient to develop the proposed number of units in your application, which must be 30 units or more.

(2) Provide firm written commitments (letters, agreements, etc.) from the source of the commitment to support your list of firm commitments. This written commitment should include your organization's name, the contributing organization's name, and the proposed type and level of commitment and responsibilities as they relate to your proposed program. This leveraging commitment must be signed by an official of the organization legally able to make the commitment on behalf of the organization and must be specifically targeted to support your FY 2002 SHOP application. The written commitment may be contingent upon your receiving a grant award.

(3) Provide a description of the individual sweat-equity requirements (types of tasks and number of hours) of your program and how this contribution of labor will serve to reduce the costs of the home to the homebuyer. Reasonable accommodation must be allowed for persons with a variety of disabilities to participate in your program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (5 Points)

This factor addresses the extent to which your application reflects a comprehensive approach that coordinates effectively with other organizations in the community and fosters self-sufficiency of beneficiaries in your program after completion of the grant award. In evaluating this factor, HUD will consider:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner; and

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, housing choice or improved living environments.

Submission Requirements for Factor 5

(1) Describe the steps taken to coordinate your program activities at the national, regional and local levels with other organizations not directly participating in your program and work activities. If affiliates are selected after grant award, you must describe how your selections will be made to ensure that the affiliates' programs fit in with other activities and programs that are being carried out by others in the local communities.

(2) Describe the steps to be taken within the grant term that provide assistance to homebuyers in a manner that achieves independent living, housing choice in a wider range of neighborhoods and improved living conditions free from overcrowding and environmental hazards, such as lead-based paint, Brownfields, etc.

VI. Application Requirements and Checklist for Application Submission

Your application consists of the items listed in this Section VI. The standard forms, certifications, and assurances that are applicable to this funding (collectively, referred to as the ''standard forms'') can be found in Appendix B to the General Section of the SuperNOFA. The following checklist helps to ensure that all of the required items have been submitted in order to receive consideration for funding:

_____ Standard Form 424, Application for Federal Assistance (signed by the authorized representative of the organization eligible to receive funds)
_____ Evidence of Non-Profit status
_____A copy of your code of conduct and a narrative description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct.

Narrative Statement Addressing:

_____ Factor 1—Capacity of the Applicant and Relevant Organizational Staff, including recent audit.
_____ Factor 2—Need/Extent of the Problem
_____ Factor 3—Soundness of Approach
_____ Factor 4—Leveraging Resources
_____ Factor 5—Coordination, Self Sufficiency and Sustainability

Forms, Certifications and Assurances:

_____ SF 424A, Budget Information, Non-Construction Programs
_____ SF 424B, Assurances—Non-Construction Programs
_____ SF 424M, Federal Assistance Funding Matrix
_____ HUD–50070, Certification for a Drug-Free Workplace
_____HUD–50071, Certification of Payment to Influence Federal Transactions
_____SF–LLL, Disclosure of Lobbying Activity, as applicable
_____HUD–2880, Applicant/Recipient Disclosure/Update Report
_____HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan
_____HUD–2992, Certification Regarding Debarment and Suspension
_____HUD–2993, Acknowledgment of Application Receipt

VII. Corrections to Deficient Applications

The *General Section* of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

The provisions contained in Section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, Environmental Review, implemented in the Environmental Review regulations at 24 CFR part 58, are applicable to properties assisted with SHOP funds. All SHOP assistance is subject to the National Environmental Policy Act of 1969 and related federal environmental authorities. SHOP grant applicants are cautioned that no federal or non-federal funds or assistance which limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed by a unit of general local government, tribe or State and until HUD approves a recipient's request for release of funds under the environmental provisions contained in 24 CFR part 58. Not withstanding the preceding sentence, in accordance with Section 11(d)(2)(A) of the Housing Opportunity Extension Act of l996 and HUD Notice CPD–01–09, an organization, consortium or affiliate receiving SHOP assistance may advance nongrant funds to acquire land prior to completion of an environmental review and HUD's approval of a request for release of funds and environmental certification. Any advances to acquire land prior to such approval are made at the risk of the organization, consortium or affiliate and reimbursement from SHOP funds for such advances will depend on the result of the environmental review.

IX. Authority

The funding made available under this program section of the SuperNOFA is authorized by section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) (the ''Extension Act'').

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE YOUTHBUILD PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Youthbuild program is to assist disadvantaged young adults in distressed communities in completing their high school education, to provide on-site construction training experiences which also results in the rehabilitation or construction of housing for homeless persons and low- and very low-income families, to foster leadership skills, to further opportunities for placement in apprenticeship programs, and to promote economic self-sufficiency.

Available Funds. Approximately $59,750,000 is available for the Youthbuild Program.

Adjustments to Funding. HUD reserves the right to utilize this year's funding to fund previous years errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds.

Eligible Applicants. Eligible applicants are public or private nonprofit agencies, including State or local housing agencies or authorities, State or units of local government, or any entity eligible to provide education and employment training under other Federal employment training programs, as further defined in HUD's regulation at 24 CFR 585.4.

Application Deadline. May 30, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please carefully review the *General Section* of this SuperNOFA and the following additional information.

I. Application Due Date and Technical Assistance

Application Due Date. Completed applications (one original signed application and two copies) must be submitted on or before May 30, 2002 to the HUD Headquarters address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact application submission procedures. Please read the following instructions carefully and completely.

Addresses for Submitting Applications. Completed applications (one original signed application and two copies) must be submitted to the Processing and Control Unit, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, Attention: Youthbuild Program. When submitting your application, please include your name and mailing address (including zip code) and telephone number and fax number (including area code).

Applications sent to HUD headquarters may be mailed using the United States Postal (USPS) or may be shipped via the following delivery services: United Parcel Services (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above. Delivery of these services must be made during business hours between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United State Postal Service.*

Mailed Applications. Your applications will be considered timely filed if postmarked on or before 12:00 midnight (Eastern Time) on the application due date and received at the address above on or within fifteen (15) calendar days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed in a timely manner.

Applications sent by overnight delivery or express mail will be considered timely filed if they are received before or on the application due date, or upon submission of documentary evidence that your application was placed in transit with the overnight delivery service by no later than the specified application due date. *For Application Kits.* For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to Youthbuild and provide your name, address (including zip code), and telephone number (including area code).

For information concerning the HUD Youthbuild program, contact Ms. Phyllis Williams, Community Planning and Development Specialist, Office of Rural Housing and Economic Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410; telephone (202) 708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

For Technical Assistance. Write or call Mr. Peter Twichell, YouthBuild USA, 58 Day Street, Somerville, MA 02144, telephone (617) 623–9900, ext. 1211, under contract with HUD to provide technical assistance. Prior to the application deadline, YouthBuild USA will be available to provide general guidance on the application submission process and location of information, but not guidance in actually preparing the application. HUD staff will also be available to provide technical assistance.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funds.* Approximately $59,750,000 in Fiscal Year (FY) 2002 funding is being made available through this program section of this SuperNOFA for the Youthbuild program. The breakdown of funding is discussed below.

The FY 2002 HUD Appropriations Act. The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73 approved November 26, 2001) (the ''FY 2002 HUD Appropriations Act'') made $65,000,000 available of which $59,750,000 is allocated for grants.

(B) *Funding Categories.* HUD will award up to $59,750,000 on a competitive basis. Funds will be divided between four categories of grants as described below.

Category 1 *New Applicants.* HUD will award up to $10,000,000 for new applicants that have not previously received implementation grants since the inception of the Program for a period not to exceed 30 months. The maximum amount awarded to a successful applicant in this category is $400,000.

Category 2 *Grants up to $700,000.* HUD will award up to $37,750,000 for grants up to $700,000 for a period not to exceed 30 months. The maximum

amount awarded to a successful applicant in this category is $700,000.

Category 3 *Underserved and Rural Areas.* HUD will award up to $10,000,000 for grants to organizations serving clients in underserved and rural areas as defined in this NOFA for a period not to exceed 30 months. The maximum amount awarded to a successful applicant in this category is $400,000.

Category 4 *Individual Development Accounts (IDAs).* HUD will award up to $2,000,000 for grants for previous or existing Youthbuild grantees for a period not to exceed 30 months, to support the outreach, development and implementation of Individual Development Accounts (IDAs) for Youthbuild program participants. The maximum amount awarded under this category is $200,000.

Applicants must indicate on their transmittal/cover letter which funding categories they are applying for.

III. Program Description and Eligible Activities

(A) *Program Description.* The purposes of the Youthbuild Program are to:

(1) Provide economically disadvantaged young adults with opportunities to obtain an educational experience that will enhance their employment skills, as a means to achieving self-sufficiency;

(2) Foster the development of leadership skills and commitment to community;

(3) Expand the supply of permanent affordable housing for homeless and low- and very low-income persons by providing implementation grants for carrying out a Youthbuild program;

(4) Provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation that will enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families; and

(5) Give to the greatest extent possible, job training, employment, contracting and other economic opportunities to low-income young adults.

HUD also focuses on the Youthbuild Program as a way to foster the development of nonprofit organizations which over time can provide the services mentioned above to disadvantaged youth and which at the same time rely less on HUD's financial support to carryout these activities.

(B) *Eligible Activities.*

(1) Work and activities associated with the acquisition, architectural and engineering work, rehabilitation or construction of the housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311.

(2) Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

(3) Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

(4) Education, job training, counseling, employment, leadership development services and optional activities that meet the needs of the participants including entrepreneurial training, drivers' education, apprenticeship opportunities, financial literacy, credit counseling, assistance programs for those with learning disabilities, and in-house staff training;

(5) Outreach to potential participants;

(6) Wages, benefits, and need-based stipends for participants and;

(7) Administrative costs, which must not exceed 10 percent of the grant award.

HUD encourages you to use grant funds for outreach, recruitment, training and other services for the participants that facilitate program implementation. Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

IV. Program Requirements

In addition to the requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following Youthbuild program requirements:

(A) *Eligible Applicants.* Eligible applicants as defined in HUD's regulation at 24 CFR 585.4.

(B) *Eligible Participants.* Participants in a Youthbuild program must be very low-income high school dropouts between the ages of 16 and 24, inclusive, at the time of enrollment. Up to 25 percent of participants may be above very low-income, or may be high school graduates (or equivalent), but must have educational needs (such as lack of reading, writing and communication skills) that justify their participation in the program.

(C) *Locational Limitations.* You may submit more than one application in the current competition if your program's participant recruitment and housing areas are in different jurisdictions. Each application you submit may only propose activities to carry out one Youthbuild program, i.e., to start a new Youthbuild program or to fund new classes of Youthbuild participants for an existing program.

(D) *Response to NOFA—Page Limitation.* The total narrative response to all factors identified in Section VI of this program NOFA must not exceed 15 pages, and must be submitted on 8.5'' by 11'' paper, using a 12 point font, with lines double spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

(E) *Youthbuild Program Components.* Applications that receive assistance under this Youthbuild Program section of the SuperNOFA must contain the three components described as follows:

(1) Educational and job training services;

(2) Leadership training, counseling, and other support activities;

(3) On-site training through actual housing rehabilitation and/or new construction work, including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities.

(F) *Identification of and Access to Property.* Your application must identify the location of the site(s) or property(ies) (e.g. addresses, parcel numbers, etc.) that will be used for on-site construction. Your application MUST contain a letter from the property owner or property management company(ies) allowing access to the housing site(s) for on-site construction training. HUD may deem as ineligible any application that fails to specifically identify the location of the on-site construction.

(G) *Training Requirement.* Each program must be structured so that 50 percent of each participant's time is spent in on-site training and the other 50 percent in educational training.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) is applicable to the Youthbuild program. Please see Section II of the General Section of the SuperNOFA.

(I) *Participation in Local Workforce Investment Act One-Stop Center.* Youthbuild grantees are mandatory partners in one-stop centers authorized by the Workforce Investment Act of 1998 (Pub. L. 105–220).

V. Desirable Elements of a Youthbuild Program

You should document the extent to which HUD's initiatives are furthered by the proposed activities. Such initiatives include:

(1) Promoting healthy, safe, and energy efficient homes;

(2) Affirmatively furthering fair housing by promoting greater opportunities for housing choice for minorities and persons with disabilities;

(3) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(4) Providing educational, apprenticeship and job training opportunities;

(5) Promoting welfare reform;

(6) Encouraging visitability in new construction and substantial rehabilitation activities; and

(7) Encouraging universal design.

First time applicants. If you are a first time applicant applying for funding under Category 1, HUD recommends that you have a graduating class of not more than 20 participants.

VI. Application Selection Process

Applicants must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA and Sections IV(A), (B), (C), (D), (E), (F), (G) and (H) of this program section of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 102 (except for an application submitted by the City of Dallas, Texas, which would be eligible for a maximum of 104 points). HUD will award up to two (2) additional points, as described in the General Section of the SuperNOFA, to any application submitted by the City of Dallas, Texas, to the extent that Factor 3 is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD will consider the extent to which the application's proposed activities will eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. This maximum includes two Renewal Community/Empowerment Zone/Enterprise Community (RC/EZ/EC) bonus points as described in Section III(C) of the General Section of the SuperNOFA. An application must receive a minimum of 70 points to be eligible for funding.

(A) *Rating and Ranking.*

(1) *General.* To review and rate applications, HUD may establish panels including officials from other Federal agencies and outside experts or consultants to obtain certain expertise and other outside points of view. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately, timely use of funds received either from HUD or from other Federal, State or local programs and meeting performance targets for completion of activities and number of persons served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information.

(2) *Rating.* All applications for funding will be evaluated against the rating factors described in Section (VI) of this NOFA.

(3) *Ranking.* Applications will be ranked separately within each of the four funding categories. Applications will be selected for funding in accordance with their rank order in each category.

(4) To be eligible for funding, an application must have an overall minimum score of 70 points and a minimum score of 40 points for the total combined number of points for Rating Factors 1 (Capacity of the Applicant and Relevant Organization) and Rating Factor 3 (Soundness of Approach).

If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, HUD will select the application(s) with the highest score for Rating Factor 3 (Soundness of Approach). If two or more applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 1 (Capacity of the Applicant and Relevant Organization); Rating Factor 4 (Leveraging of Resources) and Rating Factor 2 (Need/Extent of the Problem).

(B) *Categories of Grants.* HUD will make grants in four categories:

(1) *Category 1 Grants.* Grants for new applicants that have not previously received funding under the Youthbuild program since the inception of the Program and that have elected not to apply under Category 2 or 3. HUD will make available approximately $10,000,000 to new applicants proposing grant(s) of $400,000 or less for activities not to exceed 30 months.

(2) *Category 2 Grants.* HUD will make available approximately $37,750,000 to applicants proposing grant(s) of $700,000 or less for activities not to exceed 30 months.

(3) *Category 3 Grants.* HUD will make available $10,000,000 for applicants proposing grant(s) of $400,000 or less to establish programs in underserved and rural areas not to exceed 30 months. Rural and Underserved areas are defined as follows:

(a) *Rural Area.* A Rural area is defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with an urban population of 20,000 inhabitants or more.

(iii) Rural portions of extended cities, as identified by the U.S. Census Bureau.

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

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

(b) *Underserved Area.* An underserved area is defined as an area comprised of census tracts with the following distress criteria:

(i) A census tract where the unemployment remains high (50 percent or more above the nation's unemployment rate) and

(ii) A census tract where high rates of poverty (50 percent or more above the national average) persists.

(4) *Category 4 Grants.* HUD will make available approximately $2,000,000 for applicants proposing grants of $200,000 or less to develop or support Individual Development Accounts (IDAs).

IDAs are matched savings accounts designed to assist low and very low-income families to accumulate savings for education, job training, homeownership or small business or micro-enterprise development. IDAs may be structured to provide both current program participants and those who successfully completed the program with access to IDAs. This category of funds must be used in conjunction with funds awarded under Category 2 or Category 3 and may be used for outreach, financial literacy training, matching funds, administrative costs and/or monitoring. Participants save monthly for a specific purpose with their savings matched by designated funders (usually at a rate ranging from one dollar for each dollar saved to four dollars for each dollar saved). In order to be considered for

funding under Category 4 (Individual Development Accounts), the applicant must apply for Category 4 along with either Category 2 or Category 3. In order to be awarded funding under Category 4, the applicant must also be awarded funding under either Category 2 or Category 3.

(C) *Grant Period.* You must expend funds awarded within 30 months of the effective date of the grant agreement, or such other period specified.

(D) *Maximum Awards.* Under the competition established by this Youthbuild Program section of the SuperNOFA, the maximum award for a Youthbuild grant is $700,000. Special Note: The maximum award under the combined categories 2 and 4 is $900,000. HUD will not make amendments to awards under this competition that will increase previously approved grant amounts.

(E) *Potential Environmental Disqualification.* HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if HUD determines that it cannot conduct the environmental review and satisfactorily complete the review within the HUD application review period. (See 24 CFR 585.307.) Environmental thresholds are explained in Appendix A of this program section of this SuperNOFA. Complete form 2C13a, 2C13b, or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction or rehabilitation.

(F) *Notification of Approval or Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's CONDITIONAL approval, subject to negotiation and execution of the grant agreement by HUD.

(G) *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for the program is 104. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA and two bonus points given to the city of Dallas, TX.

(H) *Application Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days, HUD will, upon written request from the applicant, provide a debriefing to the requesting applicant. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which the assistance was provided or denied. Applicants requesting to be debriefed must send a written request to Ms. Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development (ORHED), Office of Community Planning and Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410. Debriefing information can be found in Section VII(E)(2) of the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the qualifications and experience of the applicant and participating parties to implement a successful young adult education, training program in accordance with your work plan as further described in Factor 3. HUD will review and evaluate information provided documenting recent capability. Experience within the last 5 years will be considered recent. In reviewing this rating factor, HUD will evaluate the following sub-factors:

(1) *Team Member Composition and Experience (5 points).* Your experience and the experience of your project director, core staff competencies including your day-to-day program manager, consultants and contractors. You must demonstrate that your program manager has the background, experience and capacity to implement all of the program components of the proposed work plan, as evidenced by recent work experience (within the last 5 years) in managing projects of the same or similar size, dollar amount, types of activities and beneficiaries as those proposed in your work plan. If any gaps exist in your experience or organizational structure to carry out the program, describe how you will fill those gaps including the hiring of consultants or other outside parties. Applicants for funding under Category 4 (Individual Development Accounts) should include in their response their experience and capability in providing support services to low income individuals and families seeking to achieve economic sustainability and self-sufficiency and in recruiting, educating and assisting project participants to increase their economic independence and general well-being through economic literacy education and the accumulation of assets.

(2) *Organizational Structure (5 points).* The structure of your organization, management structure, including reporting relationships of key staff, a system for coordinating with outside contractors or third party service providers, a mechanism for an internal and external auditing relationships, and an accounting system which meets Federal accounting system requirements. You should provide a clear description of how your organizational structure will operate to carry out your work plan.

(3) *Relevant Experience (5 points).* The objectives and accomplishments of your past experience in conducting similar activities. You must describe your past project objectives and accomplishments which are similar to those of your proposed work plan to show your effectiveness and timeliness in managing similar projects. If you have received similar grants including previous Youthbuild grants, you must describe your effectiveness of your administration including timeliness and performance in meeting reporting requirements and your ability to have resolved problems that presented themselves during the grant period. In addressing timeliness of reports, you must compare when your reports were due with when they were actually submitted. You must describe your achievements, including those of previous Youthbuild grants, of specific measurable outcome objectives. Specific outcome objectives include: number of youths recruited, trained and received GEDs; number of youths obtaining jobs (i.e. those that are a part of a career path or apprenticeship program), number of youths participating in apprenticeships and number of housing units rehabilitated or constructed and made available for low and moderate income persons.

Also, you must describe the extent to which you or participating partners have been successful in past education, training and employment programs and activities, including Federally-funded Youthbuild programs. If you have received a Youthbuild grant, you must submit copies of your last two progress reports or, if applicable, a closeout report. In applying the rating criteria, HUD will take into consideration your performance (including meeting target dates and schedules) as reported.

The more recent, relevant, and successful the experience of the proposed team members, organization and other participating entities in relation to the work plan, the greater the number of points that you will receive. For previous and existing Youthbuild grantees, applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will

receive a higher amount of points for this Factor.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-a-vis the target area and national data.

(1) In applying this Factor, HUD will consider current levels of distress for the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project, and in the nation. This means that an application that provides data that show levels of distress in the target area expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of distress, as follows:

(a) Poverty (5 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for the target area(s); an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 1 points
(3) Twice but less than three times the national average: 3 points
(4) Three or more times the national average: 5 points

(b) Unemployment (5 points)—for the project area;

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 1 points
(3) Twice but less than three times the national average: 2 points
(4) Three but less than four times the national average: 3 points
(5) Four but less than five times the national average: 4 points
(6) Five or more times the national average: 5 points

(c) High School Dropouts (10 points)—for the project area;

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 2 points
(3) Twice but less than three times the national average: 4 points
(4) Three but less than four times the national average: 6 points
(5) Four but less than five times the national average: 8 points
(6) Five or more times the national average: 10 points

(d) Other Indicators of social and/or economic decline that best capture the applicant's local situation (5 points). Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the target area and urgency in addressing problems facing youth, local crime statistics, etc.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data, such as the U.S. Census, other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for the project site.

HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

Updated Census data are available as follows for the listed indicators:

(a) Unemployment rate—estimated monthly, with a two-month lag;

(b) Population—estimated for incorporated places through 2000;

(c) Poverty rate—1990 data being the most recent available.

Rating Factor 3: Soundness of Approach (40 points)

Youthbuild Program Work Plan. This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the Youthbuild program. HUD will consider the overall quality and feasibility of your proposed work plan and budget which must be consistent with the Youthbuild program as measured by your specific activities and outcomes.

Specifically, HUD will consider the following categories when assessing your proposed work plan:

(1) Program Components (15 points):

(a) Outreach strategy, recruitment strategy and selection activities. HUD will determine the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results. Points will be awarded based upon overall quality and feasibility of the outreach, recruitment and selection activities, the number and types of outreach activities, number of youths to be recruited including eligible participants who are harder to reach and comprehensiveness of the local selection process.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. In evaluating this category, HUD will consider:

(i) Specific steps you will take to attract potential eligible participants who are unlikely to be aware of this program (because of race, ethnicity, sex or disability) and selection strategies;

(ii) Special outreach efforts you will make to recruit eligible young women, young women with dependent children, and persons receiving public assistance; and

(iii) Recruitment arrangements you have made with public agencies, courts, homeless shelters, local school systems, local workforce development systems, one-stop centers and, community-based organizations, etc. You will receive a greater number of points if your outreach and recruitment arrangements are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(b) Educational and job training services and activities. HUD will evaluate the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, qualifications of instructors and proposed wages and stipends for youth participants. In evaluating this category, HUD will consider:

(i) The types of in-class academic and vocational instruction you will provide;

(ii) The number and qualifications of program instructors and ratio of instructors to participants;

(iii) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program; and

(iv) Reasonable payments of participants' wages, stipends, and incentives. You will receive a greater number of points if your educational and job training services are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(c) Leadership development. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results. Letters describing specific resources or services to be contributed by non-applicant organizations must be submitted in your application. Points will be awarded based upon the quality and feasibility of your proposed leadership curriculum, qualifications of instructors and the impact of the proposed leadership activities on the target area. You must describe the leadership development training you will offer to participants and strategies for providing the training to build group cohesion and peer support. You will receive a greater number of points if your leadership development activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(d) Support services. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed support services strategy and stipends for the participants.

You must assess the need for counseling and referral services during each stage of program implementation: outreach strategy, recruitment strategy, youths interviewed and not selected for the program, program participants, youths who drop out of the program and graduates of the program. Describe how the participant needs will be addressed, document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide.

Special Note to applicants under Category 4 for Individual Development Accounts:

Applicants under this Category should precisely identify the target population(s) to be served and provide a description of the geographic area to be impacted. Applicants that target individuals residing in one or more well defined neighborhoods or communities (including public housing developments, RCs/EZs/ECs) that experience high rates of poverty or unemployment will also receive a greater number of points under this subfactor. Applicants applying under Category 4 should describe, in outline form, how the IDA program would operate. The applicant should outline: (i) The process for the recruitment of participants; (ii) how participants will be selected; (iii) how and with what assistance will the participant determine the levels of savings and purpose or qualified expenses; (iv) when, where and with whom the participant is to sign a savings plan agreement; (v) the process for opening an IDA account and the role of the participating financial institution; (vi) how and where savings deposits are to be made and the consequences to a participant should the participant fail to make a scheduled deposit; (vii) where, when and from whom the participant will receive financial literacy, credit repair and other training and support services; (viii) where, when and from whom will the participant receive training needed support to remain employed to assure continued savings from earned income; (ix) where, when and from whom the participant will receive training needed with respect to the qualified expenditure or purpose of the IDA, in the area of homeownership, pursuit of educational goal, business plan development and management, etc.; and (x) when, where and how the participant will make withdrawals to support the purposes of the IDA, once the IDA savings and match goals have been achieved. Applicants must also identify the state or Federal institution with which they are partnering in the development and implementation of their IDA project.

All applicants under Category 4 must include a copy of a signed agreement between the applicant and the financial institution(s), which sets forth: (i) That the project's reserve fund will be established in the financial institution; (ii) the rate of interest to be paid on amounts in the reserve fund; (iii) how, when, and where participant deposits will be made; (iv) how and when matching contributions will be made (e.g. in a parallel account); (v) the rate and frequency of interest payments on accounts, including matching contributions; (vi) the data and reports that will be furnished to the grantee concerning the reserve fund and IDA accounts; (vii) the contribution, if any, being made by the financial institution for deposit in the reserve fund, and the schedule of deposits of such contribution; and (viii) other services to be provided by the financial institution(s) that could strengthen the project, such as financial education seminars, favorable pricing on fees, out-stationing of services in community facilities, or assistance in recruitment of project participants. The narrative response to this subfactor need only identify the partnering financial institution(s) and reference the agreement(s) provided with the application.

Applicants will receive a greater number of points if your support service activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(e) Follow-up assistance and support activities to program graduates. HUD will evaluate the extent to which you provide assistance to Youthbuild program participants after graduation. Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed strategy. You must describe the type of proposed assistance and support which should be based upon an assessment of the needs of the program graduates and should include continued linkage to the local Youthbuild program, counseling and social service referral services. You will receive a greater number of points if your follow-up assistance and support service activities to program graduates are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(f) On-site training. HUD will evaluate the extent to which the work plan provides for quality and comprehensive on-site construction training by addressing the categories below. Letters describing specific resources or services to be contributed by any non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, experience of proposed instructors, number of youth to be trained and wages or stipends for participants. HUD will consider:

(i) The housing construction or rehabilitation activities participants will undertake at the site(s) to be used for the on-site training component of the

program as provided in the training curriculum and methodology for carrying out on-site training;

(ii) The qualification and number of on-site supervisors;

(iii) The ratio of trainers to participants;

(iv) The number of participants per site; and

(v) The amounts, wages, and/or stipends you will pay to participants during on-site work.

All applicants will receive a greater number of points if your on-site training plan is consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(2) Strategy for Job Placement. (10 points)

HUD will evaluate the quality and feasibility of your proposed strategy to place youth participants in permanent jobs.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. You will be rated on the following factors: (a) Proposed number of youth to obtain jobs that promote economic self-sufficiency (*i.e.* those that are a part of career paths or apprenticeship programs); (b) proposed number of youths who will continue post-secondary or secondary education; (c) proposed number of youths to receive entrepreneurship training. Two points of this factor will be awarded based upon the comprehensiveness and feasibility of your strategies and procedures to place youth participants in related apprenticeships and commitments from construction trade unions. You will receive a greater number of points if your strategy for job placement is consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

(3) Expected Outcomes. (5 points). Describe the number of youths to be trained and the number of housing units to be rehabilitated or constructed. As a part of this evaluation, HUD will assess the cost effectiveness of your stated outcomes as compared to the funds that you are requesting in the Youthbuild Grant Budget. You will receive a greater number of points if your proposed outcomes are consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

(4) Housing Program Priority. (10 points) HUD will assign Housing Program Priority points to all applications that contain evidence that housing resources for other Federal, State, local or private sources that are available and firmly committed to cover all costs, in full, for the following housing activities for the proposed Youthbuild program: acquisition, architect and engineering fees, construction, and rehabilitation. Applications that do not include proper documentation of firm financial commitments of non-Youthbuild resources or propose to use Youthbuild grant funds, in whole or in part, or do not evidence site control, for any one of the housing activities listed above will not be entitled to housing program priority points. Forms 2C, Housing Site Description, and 2C10, Youthbuild Grant Individual Housing Project Site Estimate, must be completed to receive the Housing Program Priority points.

Rating Factor 4: Leveraging Resources (10 Points)

(Exhibit 4B Non-Housing Program Resources Must Be Complete and You Must Provide Letters of Firm Commitment From the Donor With the Amount of Cash of In-Kind Contribution) This factor addresses the ability of the applicant to secure non-HUD resources. This factor measures the extent to which you have established partnerships with other entities to secure resources for your proposed program. Each commitment described in the narrative for this Factor must have a firm commitment letter. Grantees who leverage significant resources will receive a greater number of points.

HUD will evaluate the extent to which firm commitment of resources are obtained from Federal, State, local, and private and nonprofit sources. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds and the requested Youthbuild grant. The greater the amount of resources leveraged, the higher the points that will be awarded. In assigning points for this criterion, HUD will consider the level of non-applicant resources obtained for cash or in-kind contributions to cover the following kinds of areas:

(1) Social services (*i.e.*, counseling and training);

(2) Use of existing vocational, adult, and bilingual educational courses;

(3) Donation of labor, resource personnel, supplies, teaching materials, classroom, and/or meeting space;

(4) For Individual Development Accounts matching funds, financial services or other resources to be provided in support of such accounts; and

(5) Other commitments. In rating this element, HUD will consider only those contributions for which current firm commitments have been provided. HUD will evaluate the level of non-applicant resources proposed based on their importance to the total program. Leveraging will only be counted if you have secured a firm financial commitment. A firm commitment letter means the agreement by which an applicant's partner or contributing entity agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash, through in-kind services or contributions and is irrevocable, subject only to approval and receipt of a FY 2002 Youthbuild grant. For all applicants, each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and not earlier than the date that this NOFA is published. In documenting a firm commitment, the applicant's partner or contributing entity must:

(i) Specify the authority by which the commitment is made, the amount of the commitment and the use of funds. If the committed activity is to be self-financed, the applicant's partner or contributing entity must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the commitment.

(ii) State the amount and use of the commitment, and the relationship of the commitment to the proposed investment; and

(iii) Affirm that its investment is contingent only upon receipt of FY 2002 Youthbuild funds and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Resources from other Federal, State, Local governments or Private Entities. HUD encourages use of existing housing and homeless assistance programs administered by HUD or other Federal, State, local governments, or private and nonprofit housing programs as part of your Youthbuild program. In addition, HUD encourages use of other non-Youthbuild funds available for vocational, adult, and bilingual

education programs or for job training under the Workforce Investment Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Grantees who leverage significant resources will receive more points.

(1) Public sector sources—Federal, State, or local government sources to provide resources to carry out Youthbuild activities. (5 points)

(2) Private or nonprofit sector sources to provide resources to carry out Youthbuild activities. (5 points)

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve, how well your program outcomes result in increased independence and empowerment to your beneficiaries, and your organization's ability to becoming financially self-sustaining into the future absent any HUD funding. Your response to this sub-factor should provide a clear statement of the adverse conditions to be addressed by your organization's assistance, the expertise of your organization in addressing those conditions and your plans for ensuring that your organization will be able to sustain those efforts without further assistance from HUD at the conclusion of the grant period. HUD will evaluate the extent to which your application meets the following three elements: (1) *Coordination of activities* (4 points). The extent to which you have coordinated your activities with other known organizations that are not directly in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other agencies in your service area, the more points you will receive. An example of coordination activities would be the applicant's partnership with an existing child day care facility (which is not funded by program) that provides day care services to the Youthbuild participants during the hours they are being trained or receiving education. (2) *Self-Sufficiency* (3 points) The extent to which your application implements practical solutions within the grant term that result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved environments which are free from environmental hazards such as lead hazards, brownfields, overcrowded housing, etc. Applicants that clearly describe the extent to which proposed activities result in increased independence and empowerment for their beneficiaries will receive higher points in this sub-factor. (3) *Sustainability* (3 points). The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Youthbuild funding and relying more on state, local and private funding so your activities can be continued after your grant award is complete. Applicants that demonstrate a reduced dependence on Youthbuild funds over the life of their award will receive a greater number of points for this sub-factor. This decreasing dependence on Youthbuild funds should be present in a workplan that explains how this independence will be achieved.

VII. Application Submission Requirements

(A) *Site Access Submission Requirements.* You must submit identification of specific housing sites, and firm evidence of site access.

(1) Guidance on evidence of site access:

(i) If the applicant or joint applicant has a contract or option to purchase the property, you should provide a statement to that effect and include a copy of the contract or option;

(ii) If a third party owns the property or has a contract or option to purchase, that third party must provide a letter to you stating the nature of the ownership and specifically providing you with access to the property for the purposes of the program and the time frame in which the property will be available. In the case of a contract or option, include a copy of the document; and

(iii) You must provide the required certification that the proposed activities are consistent with the HUD-approved Consolidated Plan in accordance with 24 CFR part 91 and referenced in the General Section of the SuperNOFA.

(B) *Category 3 applicants only.* You must state that the proposed project to be established will be located in an underserved or rural area as defined in Section (VI)(B)(3) of this notice.

(C) *Application Items.* Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) SF–424, Application for Federal Assistance.

(2) HUD–424M, Federal Assistance Funding Matrix.

(3) SF–424A, Budget Information for Non-Construction Programs.

(4) SF–424B, Assurances for Construction Programs.

(5) SF–424C, Budget Information for Construction Programs.

(6) HUD–50070, Certification of Drug-Free Workplace.

(7) HUD–2880, Applicant/Recipient Disclosure/Update Form.

(8) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(9) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(10) HUD–2992, Certification Regarding Debarment and Suspension;

(11) Letters from property owners allowing access to the housing site for construction training.

(12) Submission of 501(c)(3) status and/or letter certifying non-profit status if the applicant is a public non-profit organization.

(13) Narrative Response to Factors for Award.

Factor 1—Capacity of the Applicant and Relevant Organizational Experience.

Factor 2—Need/Extent of the Problem.

Factor 3—Soundness of Approach, including the following non-narrative items: (a) Completed Youthbuild Grant Budget (Exhibit 4A), (b) housing site description (Exhibit 2C), (c) Youthbuild Grant individual housing site estimate (Exhibit 2C10), (d) letters from non-applicant resource providers describing contributions or support, (e) documentation necessary to complete environmental review (Exhibit 2C15), and description of relocation, if applicable.

Factor 4—Leveraging Resources, including your letters(s) evidencing the leveraged commitment(s), which will not be counted in the 15 page limitation.

Factor 5—Coordination, Self Sufficiency and Sustainability, include HUD–2991, Certification of Consistency with the Consolidated Plan.

(14) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(D) The total narrative response to all factors identified in Section VI(C)(13) of this program NOFA must not exceed 15 pages, and must be submitted on 8.5″ by 11″ paper, using a 12 point font, with lines double-spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will neither review nor consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

IX. Environmental Requirements

Environmental procedures apply to HUD approval of grants when you propose to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property proposed for housing project development. Environmental procedures do not apply to HUD approval of your application when you propose to use your Youthbuild funds solely to cover costs for classroom and/or on-the-job construction training and support services.

If you propose to use your Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, you must submit all relevant environmental information in your application to support HUD decision-making in accordance with the environmental procedures and standards set forth in HUD Regulation 24 CFR 585.307.

X. Authority

This program is authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, 106 Stat. 3723, 42 U.S.C. 12899). The Youthbuild Program regulations are found in 24 CFR part 585.

Appendix A—Instructions for Completion of Youthbuild Environmental Requirements (Exhibit 2C(15))

A. Instructions to Applicants

1. If you propose to use Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction or real property, you shall submit all relevant environmental information in your application to support HUD decision making in accordance with the environmental procedures and standards set forth in 24 CFR 585.307. For each proposed Youthbuild property for which HUD environmental procedures apply, you are to prepare a separate Exhibit 2C(15) in which you supply HUD with environmental threshold information and letters from qualified data sources (see definition below) which support the information. HUD will review your submission and determine how, if necessary, HUD will comply with any Federal laws and authorities that may be applicable to your property proposed for Youthbuild funding. If environmental procedures apply and Exhibit 2C(15) with supporting documentation is not included then the application will be deemed ineligible.

You are to follow these instructions for preparing Exhibit 2C(15). The instructions advise you on how to obtain and document certain information to be supplied to HUD in this exhibit. Before selecting a property for Youthbuild funding, you should read these instructions and be advised that HUD encourages you to select, to the extent practicable, properties and locations that are free of environmental hazards and problems discussed in these instructions. The responses to the environmental criteria in Exhibit 2C(15) will be used to determine environmental approval or disapproval by HUD of proposals for physical development of properties.

2. After selecting a property for proposed Youthbuild funding, you are to determine the activities to be undertaken with your Youthbuild funds. You are to indicate in Section E whether the Youthbuild funds will be used for:

(a) Lease or purchase of a property;

(b) Minor rehabilitation or

(c) Major rehabilitation; or

(d) New construction of housing.

The activities proposed for Youthbuild funding will determine the kind of data that you will need to obtain from a qualified data source in order to complete Exhibit 2C(15).

3. Once you have selected a property and determined the activities for Youthbuild funding, you are advised to check with your city or county agency that administers HUD's Community Development Block Grant program and performs environmental reviews, or the local planning agency. The reason is that most, if not all, the data needed for preparing Exhibit 2C(15) is readily available from the local community development agency and the local planning agency. You are advised to ask the environmental staff of those agencies the following:

(a) Has the agency ever prepared an environmental review of the proposed Youthbuild property or the neighborhood in which the property is located, and if so, would it provide a copy to the applicant for use by HUD;

(b) Would the agency assist you in completing section G; or if the agency is not able to help complete any item in section G, would the agency advise you which local or State agency is the appropriate qualified data source for obtaining the information.

Also, you should check with the local planning agency before proceeding elsewhere for the information.

You are advised that the cost of preparing information and analyses needed for Exhibit 2C(15) is an eligible cost under the Youthbuild program and is reimbursable if you are approved for a grant.

4. The following definitions are of key terms used in these instructions. Most of the other terms are technical and their definition would be known to qualified data sources.

(a) Qualified data source means any Federal, State or local agency with expertise or experience in environmental protection (e.g., the local community development agency; the land planning agency; the State environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular subject. A letter supporting the information from each qualified data source is to be attached to Exhibit 2C(15).

(b) Minor rehabilitation means proposed fixing and building repair:

(i) Where the estimated cost of the work is less than 75 percent of the property value after completion;

(ii) That does not involve changes in land use from residential to nonresidential, or from nonresidential to residential;

(iii) That does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; and

(iv) That does not increase unit density by more than 20 percent.

For minor rehabilitation of a building located in a floodplain, the criteria for substantial improvement modify this definition. (See Item B 3 below)

(c) Major rehabilitation means proposed fixing and building repair:

(i) Where the estimated cost of the work is 75 percent or more of the property value after completion; or

(ii) That involves changes in land use from residential to nonresidential, or from nonresidential to residential; or

(iii) That involves the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; or

(iv) That increases unit density by more than 20 percent.

(d) Multifamily housing means any residential building that contains five or more apartments or rooming units.

(e) Single-family housing means any residential building that contains one-to-four dwelling units.

Because each Federal environmental law or authority has compliance requirements that differ according to the type of proposed activity to be funded, you are required to supply information in Exhibit 2C(15) only for the type of activity for which the Youthbuild grant will be used.

(a) If you propose new construction or major rehabilitation of multifamily housing, you must supply complete and reliable environmental threshold information for items 1 through 13 in section G.

(b) If you propose new construction of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 12 in section G.

(c) If you propose minor rehabilitation of multifamily or single-family housing, or the purchase or lease of a property, you must supply complete and reliable environmental threshold information for items 1 through 7 in section G.

5. Applicants subject to HUD's environmental procedures are to submit Exhibit 2C(15) and accompanying documentation to HUD with the applications for grant assistance. Such applicants are prohibited from committing or expending State, local or other funds to undertake property rehabilitation, construction (including demolition), or acquisition (including lease), until HUD and the grantee execute a grant agreement for the proposed Youthbuild project.

6. HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for Youthbuild applications.

B. Environmental Threshold and Documentation Requirements

The threshold and documentation requirements for each of the Federal environmental laws and authorities are described below, following the same order as they appear in section G .

1. Site within designated coastal barrier resources:

Threshold: Youthbuild applicants are prohibited by Federal law from using Federal financial assistance for properties, if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes (Coastal Barrier Resources Act, as amended, 16 U.S.C. 3501).

* *Documentation*: You are to select either A or B for the condition that best describes the property and report the option selected in item 1 of section G.

A. You state that your program operates in a community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. If your program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, you must provide HUD with a finding made by a qualified data source stating that the proposed property is not located within a designated coastal barrier resource by citing the map panel number of the official maps issued by the Department of the Interior (DOI) on the basis of which the finding was made.

2. Site contaminated with toxic chemicals and radioactive materials:

Threshold: Under HUD policy, as described in HUD Notice 79–33 (Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials), HUD will not approve the provision of financial assistance to residential properties located on contaminated sites. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on either an EPA Superfund National Priorities List (NPL) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

* *Documentation*: You are to select either A or B for the condition that best describes property and report the option selected in item 2 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed Youthbuild property and any neighboring properties do not contain any sites known or suspected to be contaminated with toxic chemicals and radioactive materials.

B. You are providing any site contamination data by a qualified data source in your letter for HUD's evaluation of contamination and/or suspicion of any contamination of a proposed property or any neighboring properties.

3. Site affecting a floodplain:

Threshold: A property located within a floodplain and proposed for funding is subject to Executive Order 11988, Floodplain Management. The Executive Order directs HUD to avoid, where practicable, proposed financial support for any floodplain property, whenever HUD has options to approve properties in flood-free locations. The Order does not apply to existing single-family properties proposed for purchase or lease except for: (i) Property that is located within a floodway or coastal high hazard area; and (ii) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (a) Increases the unit density of the property; or (b) equals or exceeds 50 percent of the market value of the property before rehabilitation, but excluding the costs for correcting health, sanitary, and safety code violations. Note: Proposed funding for substantial improvement and new construction are subject to the Executive Order decision-making process. This may result in a disqualification of your application (refer above to number 7 under ''Instructions to Applicants'').

* *Documentation*: You are to select A or B for the condition that best describes your property and report the option selected in item 3 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within the Special Flood Hazard Area (SFHA).

B. You are providing HUD with a finding made by a qualified data source that the property is located within the Special Flood Hazard Area (SFHA) and indicating if whether the property is located within a floodway or coastal high hazard area.

The information for A and B must provide HUD with the flood map panel number obtained either from the official maps issued for the National Flood Insurance Program or from the property appraisal report used to make the finding.

For all proposed rehabilitation of properties that are located within a SFHA, you must provide HUD with estimates of: (i) the property value before rehabilitation, and (ii) the cost of the proposed rehabilitation. Provide the estimates in section F.

If the property is found to be located within a SFHA, proceed to item 4 on flood insurance protection. Otherwise proceed to item 5.

4. Building requiring flood insurance protection:

Threshold: HUD will estimate the amount and period of flood insurance coverage that is to be made a condition of approval of any HUD financial assistance for a building located within a Special Flood Hazard Area (SFHA). The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted buildings to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for the proposed purchase, rehabilitation, or new construction of any SFHA building. The law prescribes the coverage period and dollar amount of flood insurance protection.

Proof of Purchase of Flood Insurance Protection: You must provide HUD with proof of purchase of flood insurance protection for any proposed Youthbuild building located within the SFHA, whenever HUD funding is being used for property purchase, rehabilitation, or new construction. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under the NFIP. Whenever the requirement applies to coverage which extends to future years, the grant agreement will require that the insured has its insurer automatically forward to HUD, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance. The Youthbuild applicant's responsibility ceases in cases where a mortgage loan is approved requiring flood insurance as condition of loan approval by a lender (other than the Youthbuild applicant), whose responsibility is to assure flood insurance coverage for the loan.

**Documentation:* You are to select either A or B for the condition that best describes your property and report the option selected in item 4 of section G.

A. You already own the property and attach a copy of the Policy Declarations form confirming that a current flood insurance policy is in effect and the policy provides adequate coverage for the building proposed for the Youthbuild project located within the Special Flood Hazard Area.

B. After you have purchased (or constructed, in the case of proposed new construction) the Youthbuild property, you must obtain and maintain flood insurance protection. For the term and amount of coverage prescribed by law, you must provide HUD with a copy of the Policy Declarations form confirming that the flood insurance policy is in effect and the policy provides adequate coverage for the Youthbuild building located within the Special Flood Hazard Area.

5. Site within clear zones or accident potential zones of airports and airfields:

Threshold: HUD policy as described in 24 CFR part 51, subpart D applies to HUD approval of financial assistance to: (a) properties located within clear zones; and (b) in the case of new construction or major rehabilitation, properties located within accident potential zones.

(a) Clear zones: New construction and major rehabilitation of a property that is located on a clear zone site is prohibited. HUD financial assistance in a clear zone is allowed only for the proposed lease, purchase, or minor rehabilitation of properties (24 CFR 51.302(a)). For HUD funding approval for any property in a clear zone: (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file. The written notice informs the prospective property buyer of: (i) The potential hazards from airplane accidents which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to buy the property at some future date as part of a clear zone acquisition program.

(b) Accident potential zones: For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense ''Land Use Compatibility Guidelines for Accident Potential Zones.''

Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 5 of section G.

A. The property is not located within 3,000 feet of a civil airport or military airfield.

B. If your property is located within 3,000 feet of a civil airport or military airfield, you must provide HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

For properties that are located within a runway clear zone or a clear zone or accident potential zone, if you propose to rehabilitate such a property you must provide HUD with estimates of: (i) The cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation. The estimates are to be provided in section F.

6. Site is or affects an historic property:

Threshold: Only if a property is proposed for rehabilitation or new construction must HUD in consultation with the State Historic Preservation Officer (SHPO), and following the Department of the Interiors Standards and Guidelines for Evaluation, make a determination whether the property is:

(a) Listed on or formally determined to be eligible for listing on the National Register of Historic Places;

(b) Located within or directly adjacent to an historic district; or

(c) A property whose area of potential effects includes an historic district or property.

Historic properties and districts are subject by law to special protection and historic preservation processing which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (ACHP: 36 CFR part 800). Note: If you are using information from the SHPO as a qualified data source you need to allow sufficient time to obtain the information from the SHPO. You may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. In addition, for properties determined to be historic properties, HUD will require 30 to 90 days in most cases for HUD to perform historic preservation compliance with the ACHP regulations. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

Documentation: You are to select one of the following options that best describes the condition of your property and report the option selected in item 6 of section G.

A. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity:

1. Is located within an area where there are no historic properties; or

2. Will have no effect on historic properties; or

3. Will have an effect on historic properties not considered adverse

B. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPOs finding that the proposed Youthbuild activity will have an adverse effect on historic properties.

C. You are providing HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide you with the requested information and finding.

7. Site near hazardous industrial operations:

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). However, under the Youthbuild program, these standards would apply only if you propose: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

Documentation: You are to select one of the following options that best describe the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and you are providing HUD with a finding by a qualified data source that the proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

C. The applicant proposes: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding made by a qualified data source stating: (1) That the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous industrial operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR 51, Subpart C.

8. Site near high noise source:

Threshold: For new construction which is to occur in high noise areas (i.e. exceeding 65 decibels), applicants shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a Normally unacceptable noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

Proposed housing sites with above 75 decibels are unacceptable and the noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. In Unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to non-housing land uses compatible with the high noise levels.

For major rehabilitation projects involving five or more dwelling units located in the ''Normally Unacceptable'' and ''Unacceptable'' noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

Documentation: You are to select A or B for the condition that best describes their project and report the option selected in item 8 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units is not located within: (I) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 feet

of a railroad; or (iii) 1 mile of a civil or 5 miles of a military airfield.

B. The applicant provides HUD with a finding made by a qualified data source: (I) Stating that the plans for the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units will incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51; (ii) stating whether the property is located within a ''Normally Unacceptable'' or ''Unacceptable'' noise zone; and (iii) providing HUD plans and a statement of the anticipated interior noise levels.

9. Site affecting coastal zone management:

Threshold: Only for proposed activities involving new construction or major rehabilitation of multifamily housing does the Coastal Zone Management (CZM) authority apply. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the project and report the option selected in item 9 of section G.

A. You state that your project is not located within a coastal zone, as defined by the States Coastal Zone Management Plan.

B. If your project is located within a coastal zone, you are providing HUD with a finding made by the State CZM agency that the project proposed by the applicant is consistent with the approved State coastal zone management program.

10. Site affecting a sole source aquifer:

Threshold: The sole source aquifer authority applies primarily to activities involving proposed new construction or conversion to housing of non-residential property. Projects which can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

**Documentation:* You are to select either A or B for the condition that best describes their project and report the option selected in item 10 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. If your project proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, you are identifying the aquifer and providing HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that have been received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

11. Site affecting endangered species:

Threshold: The Endangered Species Protection (ESP) authority applies primarily to activities involving proposed new construction or conversion to housing of a non-residential property. Projects which can affect listed or proposed endangered or threatened species or critical habitats require consultation with the Department of the Interior in compliance with the procedure of Section 7 of the Endangered Species Act of 1973, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the property and report the option selected in item 11 of section G.

A. If your project proposes new construction or conversion activities, you are providing HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. If your project proposes new construction or conversion activities that are likely to affect listed or proposed endangered or threatened species or critical habitat, you are providing HUD with a statement from a qualified data source explaining the likely affect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior stating as acceptable the proposed mitigation that you will provide to protect any affected endangered or threatened species or critical habitat.

12. Site affecting a designated wetland:

Threshold: New construction or conversion to housing of a non-residential property located within a designated wetland is subject to Executive Order 11990, Protection of Wetlands. This Executive Order directs HUD to avoid, where practicable, financial support for new construction on wetland property. Note: Proposed funding for new construction or conversion is subject to the Executive Order decision making process. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

**Documentation:* You are to select A or B for the condition that best describes the property and report the option selected in item 12 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within a designated wetland where new construction or conversion is proposed.

B. You are providing HUD with a finding made by a qualified data source that the property is located within a designated wetland, which applies only to property where new construction or conversion is proposed.

The information for A and B must provide HUD with the wetland panel number obtained from official maps issued by the Department of the Interior on the basis of which the finding was made, or where DOI has not mapped the area, a letter or other documentation from the Army Corps of Engineers or other Federal agency.

13. Significant impact to the human environment:

Threshold: HUD must perform an environmental assessment of any property proposed for major rehabilitation or new construction except for a single-family property having one-to-four dwelling units. It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm. This policy is authorized by the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality and HUD's Environmental Rule at 24 CFR part 50.

**Documentation:* You are to provide HUD with any information on any adverse environmental impacts that affect the property or that the project would create. You are to report this data on a separate sheet and attach it to Exhibit 2C(15). Examples of adverse impacts are: soil instability and erodibility; natural or person-made hazards and nuisances; air pollution; inadequate infrastructure (e.g., water supply, waste water treatment, storm water management, solid waste collection), inadequate public services (i.e., fire, police, health care, social services, schools, parks) and transportation; and encroachment on prime farmlands and wild and scenic river areas. You are to identify any significant impacts to the human environment.

Appendix B

The non-standard forms, which follow, are required for your Youthbuild application.

BILLING CODE 4210–32–P

APPENDIX B

Exhibit 2F: Court-ordered Consideration

Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the Youthbuild strategy for the Dallas area will be used to eradicate the vestiges of segregation in the Dallas Housing Authority's low-income housing programs.

Is the applicant the City of Dallas, Texas?

☐ No

☐ Yes

If "yes", please attach a statement that addresses the effect(s), if any, that vestiges of racial segregation in the Dallas Housing Authority's low-income programs have no potential participants in the Youthbuild program and identify proposed actions for remedying those vestiges. Label this documentation Exhibit 2F.

2 C. Housing Site Description

Complete **all** sections.

1. Housing Site Identification	2. Number of housing units planned to be produced	3. Type of housing to be produced: (check all that apply) ☐ residential rental ☐ homeownership ☐ transitional housing for the homeless

4. Homeless Housing: For housing that will be transitional housing for the homeless, attach a description of the plan for the outreach and placement of homeless families or individuals. (1 page) **Label this narrative Exhibit 2C4.**

5. Will all housing produced be provided for homeless, low-income, or very-low income persons? ☐ Yes ☐ No	6. The on-site training will consist of: ☐ New Construction ☐ Rehabilitation
7. Are any of the units currently occupied? ☐ Yes ☐ No If yes, attach a relocation narrative that identifies: the number of persons, the business or others occupying the property on the date of submission of this application, the number to be displaced, the number to be temporarily relocated but not displaced, the estimated cost of relocation services payments and services, the source of funds for relocation, and the organization that will provide relocation assistance to occupants and the contact person's name and phone number. **Label this attachment as Exhibit 2C7.**	8. Name of the current owner of the property.

9. Documentation of Access: Attach required evidence of site access. (Letter from the owner identified in No. 8) **Label this attachment Exhibit 2C9.**

10. Individual Housing Project Site Estimate and Documentation of Resources

Complete the attached Exhibit 2C10 for each housing project site to be used in conjunction with the Youthbuild implementation program. **Attach documentation of resources behind each Exhibit 2C10.**

11. Describe the applicant's role and responsibilities for the on-site housing construction or rehabilitation work. **Label this description Exhibit 2C11.**

12. Name the entity which will own and manage the property after the construction or rehabilitation work is completed.	13. Housing Project Certifications. Housing Certifications are Attached: ☐ Yes ☐ No
14. Model Lease A Model Lease is attached: ☐ Yes ☐ No	15. Environmental Threshold Information for Property Proposed for Youthbuild funding Exhibit 2C15 and supporting documentation is attached: ☐ Yes ☐ No

16. Picture: (optional) Provide a picture of each potential housing site. **Label it Exhibit 2C16.**

(4/98)

2 C 10: Youthbuild Grant
Individual Housing Project Site Estimate

Address of Property (Include city, state, and zip code)

Grant Activities	Resources					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions.

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR Part 585.309, 310, or 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

(4/98)

Exhibit 4A

Total Youthbuild Grant Budget

Grant Activities	Sources of Funds					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing construction						
4. Housing rehabilitation						
5. Relocation						
6. Outreach and Recruitment Activities						
7. Education and job training (includes on-site training)						
8. Trainee wage, etc.*						
9. Leadership development, counseling, support services						
10. Job placement and follow-up						
11. Subtotal (sum of lines 1 through 10)						
12. Costs of administering Grant. **						
13. Total Costs (sum of lines 11 and 12)	$	$	$	$	$	$

* Include need-based stipends/benefits/incentives/tools/clothing/etc.

Exhibit 4B:
Non-Housing Program Resources

Information in this exhibit will be used to rate the Non-Housing Program Resources criterion. Applicants should refer to the specific instructions on how to complete this exhibit. Verify that the letter is acceptable. The "Dollar Value Provided" figure is total of those with an acceptable letter. Do not include any letters that are housing resources.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

(4/98)

2 C 15: Environmental Threshold Information for a Property Proposed for Youthbuild Funding

(See instructions for completing this exhibit.)

Youthbuild Applicant's Name.	Contact Person's Name.	Phone Number (include Area Code).

A. Street address for the property:(include City, State, Zip Code)

B. Attach a map of the community and mark on themap the location of the property.
Map is attached: Yes ☐ No ☐

C. Attach a copy of any environmental review for the property obtained from the local qualified data source.
Environmental review is attached: Yes ☐ No ☐

D. Indicate the present and proposed use of the property (i.e., whether single-family, multifamily or non-residential); and number of dwellings or rooming units.
Present use: No. of units: _____

Proposed use: No. of units: _____

E. Indicate the activities for which you are proposing to use Youthbuild funds for the property.

☐ Lease or purchase of a property ☐ Major Rehabilitation ☐ Minor Rehabilitation ☐ New Construction

F. If the proposed Youthbuild property is located within a floodplain, or a clear zone or accident potential zone of an airport or airfield, provide the following information:

Property value before rehabilitation (est. in thousands) $	Rehabilitation costs (est. in thousands) $	Property value after completion of rehabilitation (est. in thousands) $

G. For new construction or major rehabilitation of multifamily housing, complete items 1 through 13. For new construction of single-family housing, complete items 1 through 12. For minor rehabilitation of multifamily or single-family housing, or for the purchase or lease of a property, complete items 1 through 7. The designation "A" or "B" or "C" refers to the type of documentation required by the Instructions contained in the Appendix

1. Site within designated coastal barrier resources: Indicate A or B _____
2. Site contaminated with toxic chemicals and radioactive materials: Indicate A or B _____
3. Site affecting a floodplain: Indicate A or B _____
4. Building requiring flood insurance protection: Indicate A or B _____
5. Site within clear zones or accident potential zones of airports and airfields: Indicate A or B _____
6. Site is or affects an historic property: Indicate A, B, or C _____
7. Site near hazardous industrial operations: Indicate A, B, or C _____
8. Site near high noise source: Indicate A or B _____
9. Site affecting coastal zone management: Indicate A or B _____
10. Site affecting a sole source aquifer: Indicate A or B _____
11. Site affecting endangered species: Indicate A or B _____
12. Site affecting a designated wetland: Indicate A or B _____
13. Significant impact to the human environment: Are there any adverse environmental impacts that affect the property or that the project would create?

Yes ☐ If yes, document on separate sheet(s).
No ☐

2 C 13a: Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certifications. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. Will maintain at least a 90 percent level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. The remaining ten percent of the units will be made available to and occupied by low-income families. The income test will be conducted only at the time of entry for each unit available for occupancy. Each available rental unit will be made available to the 60 percent-of-area-median-income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the ten year period. Community-wide advertisements for tenants of this income group will be conducted. If, at the end of the 90-day advertising period, no qualifying tenant leases the unit, the unit will be advertised for individuals and families with incomes between 60 and 80 percent of the area median income, adjusted for family size, for another 90-day period. Leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the ten percent allowance) will be limited to one year and such temporary tenants are not covered by paragraphs C., E., and F. below.

B. Will use the model lease submitted with the Youthbuild application with any modifications approved by HUD at the time of grant award.

C. Will not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, state or local laws, or for other good cause. Any termination or refusal to renew the lease will be preceded by a not less than 30-day written notice to the tenant specifying the grounds for the action.

D. Will maintain the premises in compliance with all applicable HUD, other Federal, State or local program housing quality standards and local code requirements. If no public assistance is involved other than the Youthbuild grant, HUD's Section 8 housing quality standards will be followed.

E. Will develop and adopt a tenant selection plan that:

(1) is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(2) is reasonably related to program eligibility and the certifying entity's ability to perform the obligations of the lease;

(3) gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(4) provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(5) acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

2 C 13b: Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing property that will be used for Transitional housing for the homeless must make the certifications below. If the rightful property owner is not the applicant, these certifications must be signed by that owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild transitional housing project receiving Youthbuild assistance, it:

A. Will ensure that the aggregate monthly rental for each Youthbuild project will not exceed the operating costs of the project (including debt service, management, adequate reserves and other documented operating costs) plus a six percent return on any equity investment of the project owner.

B. Will, **if it is a nonprofit organization**, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive: (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

C. Will ensure that the transitional housing project shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act, unless these requirements are expressly waived by the Secretary of HUD to permit the conversion of the project to a permanent housing project.

D. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

2 C 13c: Housing Project Certifications For Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, or rehabilitation for a housing property that will be used for homeownership must provide the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild homeownership housing project receiving Youthbuild assistance, it:

A. Will ensure that the homeownership project will comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certification for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE RURAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAM

PROGRAM OVERVIEW

Purpose of Program: The purpose of the Rural Housing and Economic Development (RHED) program is to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. The funds made available under this program will be awarded competitively, through a selection process conducted by HUD in consultation with the United States Department of Agriculture (USDA).

Available Funds: Approximately $25 million in Fiscal Year (FY) 2002 funding.

Eligible Applicants: Local, rural, non-profit organizations; community development corporations; federally recognized Indian tribes; State housing finance agencies; and, State economic development and/or community development agencies.

Application Deadline: April 26, 2002.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information:

I. Application Due Date, Further Information and Technical Assistance

Application Due Date: Applications for RHED grants are due on or before April 26, 2002.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, or overnight delivery).

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission . Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (UPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without an escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received in HUD Headquarters on or within fifteen (15) days of the application due date. Applicants must obtain and save a Certificate of Mailing showing the date, when your application was submitted to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express service no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications: Completed applications (one original and two copies) must be submitted to: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; ATTN: Office of Rural Housing and Economic Development. When submitting your application, please include your name, mailing address (including zip code), telephone number, and fax number (including area code).

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for the Rural Housing and Economic Development Program.

For Further Information and Technical Assistance. All information and materials required to submit an application for funding under the HUD Rural Housing and Economic Development program are included in the Appendix to this NOFA.

For information concerning the HUD Rural Housing and Economic Development program, contact Mr. Marty Horwath, Community Planning and Development Specialist, or Ms. Holly A. Kelly, Economic Development Program Specialist, Office of Community Planning and Development (CPD), Department of Housing and Urban Development, 451 7th Street, SW., Room 7136, Washington, DC 20410; telephone 202–708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Prior to the application deadline, HUD staff at the number above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, consult the HUD web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funds.* Approximately $25 million in Fiscal Year (FY) 2002 funding is being made available through this NOFA. The breakdown for this funding is below.

(B) *The FY 2002 HUD Appropriations Act.* The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub. L. 107–73 approved November 26, 2001) (the ''FY 2002 HUD Appropriations Act'') made $25 million in FY 2002 funds available under the RHED program.

(C) *Funding Categories/ Maximum Award Amounts.* HUD will award up to approximately $25 million on a competitive basis in the following funding categories. Applicants must apply for funds in one of the two categories: Category (1), Capacity Building; or Category (2), Support for Innovative Housing and Economic Development Activities. Only one application will be accepted from any given organization.

(1) *Capacity Building.* HUD will award up to approximately $10 million to build capacity. This amount will go directly to local rural non-profits, community development corporations (CDCs) and federally recognized Indian tribes to increase an organization's capacity to support innovative housing and economic development activities. The maximum amount awarded to a successful applicant in this category will be $150,000. If you received two or more RHED grant for capacity building since 1999, you are not eligible to apply

under this category. If you received an RHED grant in 2001 for capacity building, you are eligible for a maximum award of $100,000 under this category.

(2) *Support for Innovative Housing and Economic Development Activities.* HUD will award up to approximately $15 million to federally recognized Indian tribes, State Housing Finance Agencies (HFA)s, state community and/or economic development agencies, local rural non-profits and CDCs to support innovative housing and economic development activities in rural areas nationwide. The maximum amount awarded to a successful applicant in this category will be $400,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description.

(1) *Background.* There is a great need for expanding the supply of housing in rural America, particularly affordable housing for low-income families and individuals. A number of rural areas have experienced rapid growth as a result of employment opportunities, and now face a shortage of affordable housing. In other rural areas, out-migration other factors contributing to economic dislocation, have caused severe economic distress. There has been a growing national recognition of the need to enhance the capacity of federally recognized Indian tribes, local rural non-profits, CDCs, and State community and/or economic development agencies to expand the supply of affordable housing and to engage in economic development activities in rural areas.

A number of resources are available from the Federal government to address these problems, including programs of the United States Department of Agriculture (USDA), the Economic Development Administration (EDA), the Appalachian Regional Commission (ARC), the Department of Interior (for Indian Tribes) and HUD. The Rural Housing and Economic Development program has been developed to supplement these resources and to focus specifically on capacity building and innovative approaches to housing and economic development in rural areas. In administering these funds, HUD encourages you to coordinate your activities supported by any of these agencies.

(2) *Definitions. Appalachia's Distressed Counties* means those counties in Appalachia that ARC has determined to have unemployment and poverty rates that are 150 percent of the respective U.S. rates and per capita income that is less than 67 percent of the U.S. per capita income, and counties with 200 percent of the U.S. poverty rate and one other indicator such as percent of overcrowded housing, etc. Appendix B to this notice identifies ARC's list of distressed counties.

Colonia means any identifiable community that:

(i) Is located in the State of Arizona, California, New Mexico, or Texas;

(ii) Is located in the U.S.-Mexico border region (that is, within 150 miles of the border between the U.S. and Mexico); and

(iii) Meets objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

Farmworker means a farm employee of an owner, tenant, labor contractor, or other operator raising or harvesting agricultural or aquacultural commodities; or a worker in the employment of a farm operator, handling, planting, drying, packing, grading, storing, delivering to storage or market, or carrying to market agricultural or aquacultural commodities produced by the operator. Seasonal farm workers are those farm employees who typically do not have a constant year round salary.

A *firm commitment* means the agreement by which an applicant's partner agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash or through in-kind contributions and is irrevocable, subject only to approval and receipt of a FY 2002 RHED grant. Each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and dated not earlier than the date of publication of this NOFA. In documenting a firm commitment, the applicant's partner must:

(i) Specify the authority by which the commitment is made, the amount of the commitment, the use of funds and the relationship of the commitment to the proposed investment. If the committed activity is to be self-financed, the applicant's partner must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the loan;

(ii) Affirm that the commitment is contingent only upon the receipt of FY 2002 RHED funds and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Indian tribe means any entity eligible to apply for funding under the Indian Community Development Block Grant (ICDBG) program (see 24 CFR 1003.5(a)). The list of federally recognized Indian tribes can be found notice published by the Department of the Interior on March 13, 2000, at 65 FR 13299, and is also available from HUD.

Innovative housing activities means projects, techniques, methods, combinations of assistance, construction materials, and energy efficiency improvements or financing institutions or sources new to the eligible area, or its population. The innovative activities can also build upon and enhance a model that already exists.

Local rural non-profit or community development corporation means either:

(i) Any private entity with tax-exempt status recognized by the Internal Revenue Service (IRS) which serves the eligible rural area involved in the application (including local affiliates of national organizations that provide technical and capacity building assistance in rural areas); or

(ii) Any public non-profit such as a Council of Governments that will serve specific local non-profit organizations in the eligible area.

Lower Mississippi Delta Region means the eight state, 235 county/parish region defined by Congress in the Lower Mississippi Delta Development Act, Pub.L. 100–460. Appendix C to this notice identifies the counties referenced in the Act.

Rural area may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with an urban population of 20,000 inhabitants or less.

(iii) Territory, persons, and housing units in the rural portions of ''extended cities.'' The U.S. Census Bureau identifies the rural portions of extended cities.

(iv) Open country that is not part of or associated with an urban area. The USDA describes ''open country'' as a site separated by open space from any adjacent densely populated urban area.

Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

State economic development and/or community development agency means any state agency that has promotion of statewide or local community/economic development as its primary purpose.

State Housing Finance Agency means any state agency created to assist local communities and housing providers with financing assistance for development of housing in rural areas, particularly for low- and moderate-income people.

(3) *Eligible applicants.* Eligible applicants for each of the funding categories are as follows:

(a) *For capacity building funding.* If you are a local rural non-profit, CDC, or federally recognized Indian tribe, you are eligible for capacity building funding to carry out innovative housing and economic development activities which may also enable an applicant to become self-sustaining in the future.

(b) *For support for innovative housing and economic development activities funding.* If you are a local, rural non-profit; CDC; federally recognized Indian tribe; State HFA; or State economic development and/or community development agency, you may apply for funding to support innovative housing and economic development activities in rural areas.

(4) *Eligible activities.* The following are examples of eligible activities under the Rural Housing and Economic Development program. These examples are illustrative and are not meant to limit the activities that you may propose in your application.

(a) *For capacity building funding.* Capacity building for innovative rural housing and economic development involves the enhancement of existing organizations to carry out new functions and/or to more effectively perform existing functions. Activities may include, but are not limited to the following:

(i) Enhancement of existing functions or creation of new functions to provide affordable housing and economic development in rural areas;

(ii) Acquisition of additional space and support facilities;

(iii) Salaries for additional staff needed to conduct the work, including financial management specialists, and economic development specialists;

(iv) Training of staff in the areas of financial management, economic development financing, housing accessibility and visitability standards, fair housing issues and complaint filing;

(v) Development of business plans in order for the organization to be self-sustaining;

(vi) Development of Management Information Systems (MIS) and software to enable better and more accurate reporting of information to HUD and to other entities;

(vii) Development of feasibility studies and market studies;

(viii) Training on energy efficiency in construction for housing and commercial projects;

(ix) Housing counseling services including the provision of information on budgeting, access to credit and other federal program assistance available including the Section 502 Single Family Housing Loan program under the USDA;

(x) Coordinating with the USDA in holding training sessions with your staff on the Section 502 Single Family Housing loan program and other housing or economic development programs available from USDA;

(xi) Conducting conferences or meetings with other Federal and State agencies to inform residents of programs, rights and responsibilities associated with homebuying opportunities; and;

(xii) Arranging for technical assistance to conduct needs assessments, conduct asset inventories and to develop strategic plans.

(i) Administrative costs for assistance under this funding category may not exceed fifteen percent (15%) of the total grant award.

(b) *For support of innovative housing and economic development activities.*

(i) This category is intended to support, but not be limited to, other costs for innovative housing and economic development activities. Activities may include, but are not limited to the following:

(i) Cost for using new or innovative construction, energy efficiency or other techniques that will result in the design and/or construction of innovative housing and economic development projects;

(ii) Preparation of plans, architectural or engineering drawings;

(iii) Preparation of legal documents, government paperwork requirements and applications to allow construction of housing and economic development activities to occur in the jurisdiction;

(i) Financial assistance for the acquisition of land and buildings;

(i) Demolition of property to permit construction or rehabilitation activities to occur;

(i) Development of infrastructure to support the housing or economic development activities;

(i) Purchase of construction materials;

(ii) Job training to support the activities of the organization;

(iii) Homeownership counseling, including credit counseling, budgeting, access to credit, and other federal assistance available including the Section 502 Single Family Housing Loan program under the USDA;

(iv) Coordinating with the USDA in holding training sessions with staff on the Section 502 Single Family Housing loan program and other housing or economic development programs available from USDA;

(v) Conducting conferences or meetings with other Federal and State agencies to inform residents of programs, rights and responsibilities associated with homebuying opportunities;

(vi) Development of feasibility studies and market studies;

(vii) Development of Management Information Systems (MIS) and software to enable better and more accurate reporting of information to HUD and to other entities;

(viii) Establishing Community Development Financial Institutions (CDFIs), lines of credit, revolving loan funds, microenterprises, and small business incubators; and

(ix) Provision of direct financial assistance to homeowners/businesses/developers, etc. This can be in the form of establishing default reserves, pooling/securitization mechanisms, loans, grants, etc.

Applicants are reminded that they must affirmatively further fair housing. Grantees should demonstrate that their activities will continue to serve the populations that are in need and that beneficiaries will have a choice of innovative housing and economic development opportunities as a result of these activities.

(i) Administrative costs for assistance under this funding category may not exceed fifteen percent (15%) of the total grant award.

(5) Ineligible activities. Examples of ineligible activities for both funding categories include:

(i) the use of RHED grant funds for income payments to subsidize individuals or families;

(ii) political activities;

(iii) general governmental expenses other than expenses related to the administrative cost of the grant; or

(iv) projects and activities intended for personal gain or private use.

IV. Program Requirements

(A) *General.* To be eligible for funding under this program section of this SuperNOFA, you must meet the threshold and statutory or regulatory requirements applicable to all programs set forth in Section II of the General Section of the SuperNOFA. In addition to the above, you must meet the following program specific requirements.

(B) *Accounting System Requirements.* RHED requires that successful applicants have in place an accounting system that meets the policies, guidance, and requirements as described in the following applicable OMB Circulars and Code of Federal Regulations:

(1) OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments);

(2) OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations), (3) OMB Circular No. A–133 (Audits of States, Local Governments, and Non-Profit Organizations);

(4) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and

(5) 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments).

These documents apply to the award, acceptance and use of assistance under the Rural Housing and Economic Development program NOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 2002 HUD Appropriations Act, other Federal statutes or the provisions of this NOFA.

(C) *Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II (B)(2) of the General Section of the SuperNOFA as a condition of the award.

(D) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to use small businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities, if possible. Please refer to Section II (F) of the General Section of the SuperNOFA for specific requirements.

(E) *Forms, Certifications and Assurances.* You, the applicant, are required to submit signed copies of the standard forms, certifications and assurances included in the Appendix of this NOFA signed by the managing officer of your organization.

(F) *Environmental Review.* Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this part, in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or that proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties (including establishing lines of credit that permit financing of such activities or making commitments for loans that would finance such activities from a revolving loan fund capitalized by funds under this NOFA) prior to HUD approval of specific properties or areas. Each application must contain an assurance that you, the applicant, will assist HUD to comply with part 50; will supply HUD with all available, relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, grantees are to use the same guidance as provided in the Notice CPD–99–01, entitled ''Field Environmental Processing for HUD Colonias Initiative (HCI) grants'' issued January 27, 1999.

(G) Conflicts of Interest. Consultants and experts assisting HUD in rating and ranking applicants for funding under this NOFA are subject to 18 U.S.C. 208. Refer to Section II (K) of the General Section of the SuperNOFA.

(H) Grant Amounts. In the event, you, the applicant, are awarded a grant that has been reduced (e.g. the application contained some activities that were ineligible or budget information did not support the request), you will be required to modify your project plans and application to conform to the terms of HUD's approval before execution of the grant agreement. HUD reserves the right to reduce or de-obligate the award if approvable modifications to the proposed project are not submitted by the awardee in the required amounts in a timely manner. Any modifications must be within the scope of the original application. HUD reserves the right not to make awards under this NOFA.

(I) Grant Period. Recipients will have 36 months from the date of the executed grant agreement to complete all project activities. .

(J) Lead-Based Paint Hazard Control. All property assisted under the Rural Housing and Economic Development program is covered by the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and HUD's implementing regulations at 24 CFR part 35.

(K) Adjustments to Funding. In addition to the items identified under Section III (E) of the General Section of the SuperNOFA, HUD:

(1) reserves the right to utilize this year's funding to fund previous year's errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds in both categories.

(2) If after all eligible applicants have been selected for funding in Category 2 and funds remain, the remaining funds will be allocated to Category 1 to fund additional eligible applications in that category. If a balance of funds remain, HUD reserves the right to utilize those funds toward the following year's competetion.

V. Policy Priorities

You should document the extent to which HUD's policy priorities are furthered by the proposed activities. Applicants that include activities that can result in the achievement of these Departmental policy priorities as described below and in Section VI of the General Section of this SuperNOFA will receive higher rating points in evaluating your application for funding. Four Departmental policy priorities are listed below. You will receive 1 rating point for each priority addressed in your program of activities and associated with performance measurements and your management plan under Rating Factor 3, described in Section VI of this program NOFA. Such priorities include:

(1) Increasing homeownership for low- and moderate-income persons, persons with disabilities and the elderly, and minorities and families where English may be a second language.

(2) Encouraging visitability in new construction and substantial rehabilitation activities, allowing a person with mobility impairments access into a home, but not requiring that all features be made accessible. A visitable home also serves persons without disabilities, such as a person pushing a stroller or delivering a large appliance. Encouraging universal design, simplifying life for everyone by

making products, communications and the built environment more usable by as many people at little or no extra cost. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible at little or not extra cost.

(3) Improving computer access, literacy, and employment opportunities, by providing access to computers to low- and moderate-income adults and children who do not have access and therefore may be disadvantaged with respect to education, work and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks and 20/20 Education communities in their programs.

(4) Increasing economic mobility choices for rural residents. HUD wants to improve the quality of life for rural residents by providing more residents a chance to move into homeownership opportunities or to provide a community with greater housing choices.

VI. Application Selection Process

(A) *Rating and Ranking.*

(1) *General.* To review and rate applications, HUD may establish panels including outside experts or consultants to obtain certain expertise and outside points of view, including views from other Federal agencies.

(2) *Rating.* All applicants for funding will be evaluated against the criteria below. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, HUD will deduct points from rating scores as specified under Rating Factor 1, Capacity of the Applicant and Relevant Organizational Experience, described in this Section below.

(3) *Ranking.* Applicants will be ranked separately within each of the two funding categories. Applicants will be selected for funding in accordance with their rank order in each category. An application must receive a minimum score of 70 points to be eligible for funding. If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, the applications(s) with the highest score for Rating Factor 2 (Need and Extent of the Problem) shall be selected. If applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined, Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 5 (Coordination, Self-Sufficiency, and Sustainability) and Rating Factor 4 (Leveraging Resources). To be eligible for funding in the Innovative category, an application must have a minimum score of 30 points for the total combined number of points for Rating Factors 1 and 3. To be eligible for funding in the Capacity Building category, an application must have a minimum score of 25 points for Rating Factor 3.

(B) *Initial screening.* During the period immediately following the application deadline, HUD will screen each application to determine eligibility. Applications will be rejected if they:

(1) Are submitted by ineligible applicants (including applicants that do not meet the threshold requirements described in Section II(B) of the General Section of the SuperNOFA);

(2) Do not serve an eligible rural area;

(3) Do not meet the objectives of the RHED program;

(4) Propose a program for which significant activities are ineligible.

(C) *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

(D) *Notification of Approval and Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's preliminary approval, subject to negotiation and execution of the grant agreement by HUD.

(E) *Applicant Debriefing.* Any applicant can obtain a debriefing of their application. Please refer to Section VII (E) of the General Section of the SuperNOFA for details on the conditions and timeframes for requesting a debriefing. In addition, applicants requesting a debriefing must send a written request to Ms. Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development (RHED), at the address listed in Section I of this NOFA under ''For Further Information and Technical Assistance.''

Rating Factor 1—Capacity of the Applicant and Relevant Organizational Experience (15 points)

This rating factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed work plan as further described in Rating Factor 3 in a timely manner within the 36 month award period.

Rating standards applicable to individual funding categories. The two funding categories have different objectives. Accordingly, in addition to the generally applicable rating standard discussed above, different standards as discussed below will be used to judge the experience and qualifications of the applicants for each of the two funding categories. HUD fully supports emerging organizations who desire to develop internal capacity. Therefore, the following categories will be evaluated:

(1) *For Capacity Building applications.* (15 points) *Team members, composition, experience, organizational structure and management capacity.* Your response to this subfactor should clearly state the need which your organization is to address through the request for assistance. In addition, you should describe how the enhanced capacity realized through the assistance will fulfill that need. HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and project partners to implement all of the work activities in your workplan as they relate to innovative housing and economic development activities. In evaluating your capacity to do the work, HUD will assess the recentness and relevancy of the prior work experience of each of the parties listed above to execute the prescribed activities; the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In responding to this sub-factor, please indicate how the capacity

building assistance will strengthen or otherwise impact your organization's current housing or economic development program portfolio, or if you are a new grantee, how will the capacity assistance ensure that you can carry out your proposed activities. In judging your response to this factor, HUD will only consider work experience gained within the last 3 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(2) *For Support for Innovative Rural Housing and Economic Development Activities applications.*

(a) (5 points) *Team members, composition, and experience*. HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and project partners to implement all of the work activities in your workplan. In evaluating your capacity to do the work, HUD will assess the recentness and relevancy of the prior work experience of each of the parties listed above, to execute the prescribed activities; the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, that consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In judging your response to this factor, HUD will only consider work experience gained within the last 7 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(b) (5 points) *Organizational structure and management capacity.* HUD will evaluate the extent to which you can demonstrate your organization's ability to manage a workforce composed of full time and/or part-time staff as well as any consultant staff and your ability to work with community-based groups or organizations in resolving issues related to affordable housing and economic development. In evaluating this sub-factor, HUD will take into account your experience in working with community-based organizations to design and implement programs which address the identified housing and economic development issues. The more recent, relevant, and successful the experience is of your organization and any participating entities, the greater the number of points that you will receive.

(c) (5 points) *Experience with performance based funding requirements.* HUD will evaluate your experience in producing timely products and reports in any previous grant programs undertaken with HUD funds or other Federal, state, local or non-profit or for-profit organization funds. In assessing points for this sub-factor, HUD reserves the right to take into account your past performance in meeting performance and reporting goals on any previous HUD awards. HUD will deduct one point for each of the following activities related to previous HUD grant programs for which unsatisfactory performance has been verified and related to: (1) Managing funds, including the ability to account for funds appropriately; (2) timely use of funds received either from HUD or other Federal, State, or local programs; and (3) significant and consistent failure to met performance targets. Among the specific outcomes to be measured are the number of jobs created or retained the number of people trained, the number of housing units rehabilitated or constructed and made available for low- and moderate-income persons, or other relevant objective performance measures related to your previous job experience and/or grant programs. Applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will receive higher points for this sub-factor.

Rating Factor 2—Need and Extent of the Problem (25 Points)

The Rural Housing and Economic Development program has been designed to address the problems of rural poverty, inadequate housing and lack of economic opportunity. This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-à-vis, the target area, and national data.

(1) In applying this Factor, HUD will compare current levels of need in the area (i.e. Census Tract(s) or Block Groups), immediately surrounding the project site or the target area to be served by the proposed project and in the national level of need. This means that an application that provides data that show levels of need in the project area expressed as a percent greater than the national average, will be rated higher under this Factor. Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Need Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of need as follows:

(a) *Poverty Rate* (5 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for the target area(s). An application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Less than the national average = 0 points;

(ii) Equal to but less than twice the national average = 1 points;

(iii) Twice but less than three times the national average = 3 points;

(iv) Three or more times the national average = 5 points.

(b) *Unemployment* (5 points)—for the target area:

(i) Less than the national average = 0 points;

(ii) Equal to but less than twice the national average = 1 points;

(iii) Twice but less than three times the national average = 2 points;

(iv) Three but less than four times the national average = 3 points;

(v) Four but less than five times the national average = 4 points;

(vi) Five or more times the national average = 5 points.

(c) *Other indicators of social and/or economic decline that best capture the applicant's local situation* (5 points)—Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the

target area, local crime statistics, etc. To the extent that the applicant's statewide or local Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy identify the level of distress in the community and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants for the project site. This data includes the use of U.S. Census data or information received from USDA.

(a) HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

(b) Updated Census data are available for the following indicators:

(i) Unemployment rate—estimated monthly for counties, with a two-month lag;

(ii) Population—estimated for incorporated places and counties, through 2000;

(c) Poverty rate—1990 data being the most recent available.

(d) *Demographics of Distress—Special Factors (10 points).* Because of the concern of HUD with meeting the needs of certain underserved areas, you will be awarded a total of ten points if you are located in or propose to serve one or more of the following populations, your application demonstrates that 100 percent of the beneficiaries supported by RHED funds are in one or more of the following populations. You must also specifically identify how each population will be served and that the proposed service area meets the definition of ''eligible rural area'' as described in Section III(A)(2) of this NOFA:

(i) Areas with very small populations in non-urban areas (2,500 population or less);

(ii) Seasonal farmworkers;

(iii) Federally recognized Indian Tribes;

(iv) Colonias;

(v) Appalachia's Distressed Counties; or

(vi) The Lower Mississippi Delta Region (8 States and 235 counties/parishes). For these underserved areas, you should ensure that the populations that you serve and the documentation that you provide is consistent with the information described in the above paragraphs under this rating factor.

Rating Factor 3—Soundness of Approach (40 Points)

This factor addresses the overall quality of your proposed workplan, taking into account the project and the activities proposed to be undertaken; the cost-effectiveness of your proposed program; and the linkages between identified needs, the purposes of this program and your proposed activities and tasks. In addition, this factor addresses your ability to ensure that a clear linkage exists between innovative rural housing and economic development. In assessing cost-effectiveness, HUD will take into account your staffing levels, beneficiaries to be served, a timetable for the achievement of program outcomes, the delivery of products and reports and any anticipated outcomes or products. You will receive a greater number of points if your workplan is consistent with the purpose of the RHED program, your program goals and the resources provided.

(a) (20 points) *Management Plan.* A clearly defined management plan which identifies each of the projects and activities you will carry out to further the objectives of this program; describes the linkage between rural housing and economic development activities; and addresses the needs identified in Factor 2, including needs that had been previously identified in a statewide or local Analysis of Impediments to Fair Housing Choice (AI) or Consolidated Plan. The populations that were described in Rating Factor 2 for the purpose of documenting need should be the same populations which will receive the primary benefit of the activities, both immediately and longterm. The benefits should be affirmatively marketed to those populations least likely to apply for and receive these benefits without such marketing. Your timetable should address the measurable goals and objectives to be achieved through the proposed activities; the method you will use for evaluating and monitoring program progress with respect to those activities and the method you will use to ensure that the activities will be completed on time and within your proposed budget estimates. Applicants that have a clearly defined management plan and which can produce results in less than 36 months will receive higher rating points for this sub-factor. Your management plan should also include the budget for your program, broken out for each line item. Documented projected cost estimates from outside sources are also required. Applicants should submit their workplan on a spreadsheet showing each project, to be undertaken and the tasks (to the extent necessary or appropriate) in your workplan to implement the project with your associated budget estimate per activity/task. Your workplan should provide the rationale for your proposed activities and any assumptions used in determining your project timeline and budget estimates. Failure to provide your rationale may result in an application receiving fewer points for lack of clarity in the proposed management plan. Applicants that propose as part of their workplan activities that address and support HUD's policy priority areas as outlined in Section (V) of this NOFA will receive one rating point for each of the policy priorities described under this sub-factor.

(b) (15 points) *Expected Outcomes.* HUD encourages applicants to include in their workplans, program measures to ensure that goals established in your application can be accounted for and independently assessed to ensure that performance measures have been met. HUD will be assessing outcomes resulting from your proposed workplan for the likelihood it will result in measurable and achievable outcomes that will alleviate or address the needs described in Rating Factor 2 and that those outcomes can and will be sustained beyond the grant period, without further assistance from HUD. You must include in this sub-factor a qualitative or quantitative description of estimated outcomes in order to receive points for this sub-factor. Outcomes may be described in terms of the estimated number of new units constructed or units rehabilitated; jobs retained or created; loans financed; individuals trained, counseled or assisted; and/or number of persons on welfare or under-employed trained in a career path or apprenticeship program.

The exact nature of the expected outcomes will vary according to your proposed workplan. Applicants that propose activities to increase their capacity to carry out innovative rural housing and economic development activities should include among their projected outcomes performance measures for maintaining the financial health and integrity of the organization. Applicants that can demonstrate clearly identified outcomes and the means for ensuring that outcomes will be tracked and are likely to be achieved will receive a greater number of points under this sub-factor.

(c) (5 points) *Self-monitoring and Program Evaluation.* Your workplan will be evaluated to ensure that you have a mechanism for monitoring and self-assessing your progress in meeting program goals and objectives, ensuring that the integrity of the use of funds is in accordance with OMB Cost Principles and record-keeping requirements and the approved program budget. Applicants that clearly define roles and responsibilities and steps to be taken to meet this requirement will receive a greater number of rating points in the evaluation. Therefore, your workplan should describe and identify the specific steps that you will take to carry out a self-monitoring function that meets these requirements.

Rating Factor 4—Leveraging Resources (10 Points)

This factor addresses the extent to which applicants for any of the two funding categories have obtained firm commitments of financial or in-kind resources from other Federal, State, local, and private sources. For every RHED dollar anticipated, you should provide the specific amount of dollars leveraged. In assigning points for this criterion, HUD will consider the level of outside resources obtained for cash or in-kind services that support activities proposed in your application. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds compared to the requested RHED grant. This criterion is applicable to both funding categories under this NOFA. The level of outside resources for which commitments are obtained will be evaluated based on their importance to the total program. You must provide evidence of leveraging by including in the application letters of firm commitment to participate from any entity, including your own organization, that will be providing matching funds to the project. Each commitment described in the narrative of this factor must be in accordance with the definition of ''firm commitment'' as defined in Section III(A)(2) of this NOFA.

Rating Factor 5—Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve, how well your program outcomes result in increased independence and empowerment to your beneficiaries, and your organization's ability to becoming financially self-sustaining into the future absent any HUD funding.

This factor consists of three elements:

(1) Coordination of activities (4 points). The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other ongoing activities in your service area, the more points you will receive.

(2) Self-Sufficiency (3 points). The extent to which your application implements practical solutions within the grant term that result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments which are free from environmental hazards such as lead hazards, brownfields, overcrowded housing, etc. Applicants that clearly describe the extent to which proposed activities result in increased independence and empowerment for their beneficiaries will receive higher points in this sub-factor.

(3) Sustainability (3 points). The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on RHED funding and relying more on state, local, and private funding so your activities can be continued after your grant award is complete. Applicants that demonstrate a reduced dependence on RHED funds over the life of their award will receive a greater number of rating points for this sub-factor.

RC/EZ/EC Bonus Points (2 points)

HUD will award two bonus points to all applications that include documentation stating that the proposed eligible activities/projects will be located in and serve Federally designated Rural Renewal Communities, Rural Empowerment Zones or Enterprise Communities (Rural EZs/ECs). A listing of Federally designated Rural RCs, EZs and ECs is available on the Internet at http://www.hud.gov.

VII. Application Submission Requirements

(A) *Form of Application.* All pages of the application shall be numbered sequentially. Your application must include an original and two copies of the items listed below.

(B) *Application Items.* Your application must contain the items listed in this section. These items include the standard forms and non-standard certifications that can be found in the Appendices to this program section of the SuperNOFA. The items are as follows:

(1) A transmittal letter;

(2) A table of contents;

(3) A signed SF–424 (application form);

(4) A budget for all funds (Federal and Non-Federal) and a breakdown of all Federal funds requested, in the format provided in Appendix A of this NOFA;

(5) Documentation of funds pledged in support of Rating Factor 4—''Leveraging Resources'' (which will not be counted in the 15 page limitation);

(6) The required certifications (signed, as appropriate, and attached as an Appendix);

(7) Acknowledgment of the Application Receipt form (submitted with application and returned to you as verification of timely receipt).

(8) If you are a private nonprofit organization, a copy of your organization's IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1986, as amended.

(9) The attached forms specifying:

(a) Which category of funds, as described in Section II(C), you are applying for.

(b) Which of the five definitions of the term ''rural area'' set forth in Section III(A)(2) of this NOFA applies to the proposed service area and accompanying documentation as indicated on the form; and

(10) The Environmental Review Assurance.

(11) Narrative Response to Factors for Award

(a) You must describe your organization and the assignment of responsibilities for the work to be carried out under the grant (Rating Factor 1).

(b) You must describe the need and extent of the problem and populations to be served (Rating Factor 2).

(c) You must submit a workplan which describes your soundness of approach and the clear linkage between rural housing and economic development (Rating Factor 3). In addressing this submission requirement, you must:

(i) Describe the activities you propose to undertake to address the needs which have been identified, the linkage between rural housing and economic development, and describe the specific outcomes you expect to achieve.

(ii) Include a management plan which identifies the specific actions you will

take to complete the proposed activities on time and a budget in the format provided which explains the uses of both Federal and non-Federal funds and the period of performance under the grant.

(iii) Include a discussion of the process by which the work accomplished with the grant will be evaluated to determine if the objectives of the grant were met.

(d) You must identify the resources which will be leveraged by the amount of this grant's funding that you are requesting. (Rating Factor 4). To receive the maximum number of points under Rating Factor 4 you must provide evidence of firm commitments. The commitment can be contingent upon HUD site approval following environmental review.

(e) You must describe the extent to which your program reflects a coordinated, community based process of identifying needs and building a system to address these needs, providing program beneficiaries outcomes resulting in increased independence and empowerment, and the potential for your organization to become financially self-sustaining.(Rating Factor 5).

The total narrative response to all factors should not exceed 15 pages and must be submitted on 8.5'' by 11'' paper, using a 12 point font size, with lines double spaced and printed only on one side. Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider or review the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any eligibility or selection factors. Examples of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. Applicants must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 5 calendar days of the date of receipt of the HUD notification. If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding.

Catalog of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance number is: 14.250

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 Pub.L. 107–73, approved November 26, 2001).

Appendix A

The standard and non-standard forms that follow are required for your RHED application.

BILLING CODE 4210–32–C

Appendix A

Checklist of Forms and Certifications

Page Number

- ☐ Transmittal Letter
- ☐ Checklist and Submission Table of Contents
- ☐ Standard Form for Application for Federal Assistance (SF-424)
- ☐ Federal Assistance Funding Matrix (HUD-424-M)
- ☐ Assurances - Non-Construction Program (SF-424-B)
- ☐ Assurances - Construction Program (SF-424-D)
- ☐ Statement of Work, including summary and responses to factors for award
- ☐ Budget in support of Rating Factor 3 (HUD-424-CB)
- ☐ Documentation of Funds/In-Kind Services pledged in support of Rating Factor 4
- ☐ Required Certifications (signed)
  - ☐ Certification for a Drug-Free Workplace (HUD-50070)
  - ☐ Certification of Payments to Influence Federal Transac tions (HUD-50071) (see 24 CFR part 87, Appendix A)
  - ☐ Disclosure of Lobbying Activities (SF-LLL) (If required, see 24 CFR part 87, Appendix B)
  - ☐ Applicant/Recipient Disclosure/Update Report (HUD-2880)
  - ☐ Certification Regarding Debarment and Suspension (HUD-2992)
  - ☐ Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990)

- [ ] Acknowledgment of Application Receipt (HUD-2993) (to be returned to applicant)
- [ ] For nonprofit organizations, a copy of the IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1996, as amended
- [ ] Documentation that area served is rural area, as defined in this NOFA
- [ ] The Environmental Review Assurance
- [ ] Client Comments and Suggestions (HUD-2994)

Environmental Review Assurances

The award of funds under this program is subject to the environmental review requirements of 24 CFR part 50. These requirements only apply to grant-funded projects fully or partially funded by HUD, undertaken by grantees and all tiers of subgrantees and subcontractors.

When a project is limited to activities described in 24 CFR 50.19, it does not require an environmental review. All other activities (for example, acquisition of real property, construction and alteration) are subject to an environmental review. Since the approval of the initial grants in this program must occur prior to the identification of properties to be treated, as is provided for in 24 CFR 50.3(h), the applicant hereby agrees that it will assist HUD to comply with 24 CFR part 50, and that the applicant shall:

1. Advise HUD of all projects requiring a review under 24 CFR part 50 prior to their approval and supply HUD with all available and relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50;

2. Carry out mitigating measures required by HUD or select an alternate property or project;

3. Not acquire, rehabilitate, convert, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities on a HUD-assisted project until HUD has completed an environmental review to the extent required under 24 CFR 50 and has given notification of its approval in accordance with 24 CFR 50.3(h)(3); and

4. Include the above requirements in all subgrants and subcontracts.

Signature of Authorized Certifying Official X	Applicant
Title	Date

form HUD-40076-RHED (02/11/2002)

APPENDIX B

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Alabama		
Hale	63%	14.3%
Macon	49%	8.8%
Pickens	58%	10.0%
Georgia		
Elbert	50%	6.5%
Kentucky		
Adair	43%	6.9%
Bath	51%	10.5%
Bell	52%	8.8%
Breathitt	58%	19.8%
Carter	45%	9.0%
Casey	44%	13.2%
Clay	65%	15.6%
Clinton	55%	11.2%
Cumberland	49%	8.6%
Elliott	66%	15.5%
Estill	45%	12.3%
Floyd	44%	6.1%
Green	49%	5.0%
Harlan	66%	9.0%
Jackson	65%	14.8%
Johnson	41%	7.0%
Knott	59%	10.8%
Knox	66%	10.2%
Lawrence	52%	11.0%
Lee	63%	15.3%
Leslie	50%	14.0%
Letcher	58%	8.9%
Lewis	45%	13.7%
Lincoln	45%	9.9%
McCreary	59%	13.4%
Magoffin	69%	11.0%
Martin	63%	7.1%
Menifee	51%	8.4%
Monroe	45%	8.3%
Morgan	51%	9.8%
Owsley	80%	17.7%
Perry	52%	10.7%
Pike	41%	4.6%
Powell	50%	10.9%
Rockcastle	49%	11.5%

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Johnson	48%	7.3%
Meigs	48%	8.0%
Pickett	55%	7.4%
Scott	47%	8.7%
Virginia		
Buchanan	49%	6.7%
Dickenson	62%	8.0%
Lee	53%	10.4%
Russell	50%	6.3%
Wise	53%	5.7%
West Virginia		
Barbour	55%	6.1%
Boone	53%	4.1%
Braxton	48%	8.1%
Calhoun	66%	12.0%
Clay	52%	10.2%
Fayette	44%	5.1%
Gilmer	55%	9.8%
Lewis	49%	4.8%
Lincoln	63%	9.8%
Logan	45%	5.0%
McDowell	68%	8.5%
Mason	43%	5.8%
Mingo	58%	6.6%
Nicholas	55%	5.3%
Pocahontas	45%	7.5%
Raleigh	49%	3.3%
Randolph	45%	5.0%
Ritchie	48%	6.3%
Roane	48%	8.6%
Summers	55%	7.9%
Taylor	49%	4.0%
Upshur	49%	5.6%
Webster	59%	10.2%
Wetzel	43%	5.5%
Wirt	64%	13.5%
Wyoming	58%	5.8%
Mean County-level Indicators	52%	8.7%

APPENDIX C

LOWER MISSISSIPPI DELTA COUNTIES AND PARISHES

ARKANSAS	ILLINOIS	KENTUCKY	LOUISIANA	MISSISSIPPI	MISSOURI	TENNESSEE
Arkansas	Alexander	Ballard	Acadia	Adams	Bollinger	Benton
Ashley	Franklin	Caldwell	Allen	Amite	Butler	Carroll
Baxter	Gallatin	Calloway	Ascension	Attala	Cape Girardeau	Chester
Bradley	Hamilton	Carlisle	Assumption	Benton	Carter	Crockett
Calhoun	Hardin	Christian	Avoyelles	Bolivar	Crawford	Decatur
Chicot	Jackson	Crittenden	Caldwell	Carroll	Dent	Dyer
Clay	Johnson	Fulton	Catahoula	Clairborne	Douglas	Fayette
Cleveland	Massac	Graves	Concordia	Coahoma	Dunkin	Gibson
Craighead	Perry	Henderson	East Baton Rouge	Copiah	Howell	Hardeman
Crittenden	Pope	Hickman	East Carroll	Covington	Iron	Hardin
Cross	Pulaski	Hopkins	East Feliciana	DeSoto	Madison	Haywood
Dallas	Randolph	Livingston	Evangeline	Franklin	Mississippi	Henderson
Desha	Saline	Lyon	Franklin	Grenada	New Madrid	Henry
Drew	Union	Marshall	Grant	Hinds	Oregon	Lake
Fulton	White	McCracken	Iberia	Holmes	Ozark	Lauderdale
Grant	Williamson	McLean	Iberville	Humphreys	Pemiscott	McNairy
Greene		Muhlenberg	Jackson	Issaquena	Perry	Madison
Independence	**TOTAL**	Todd	Jefferson	Jefferson	Phelps	Obion
Izard	**COUNTIES**	Trigg	Lafourche	Jefferson Davis	Reynolds	Shelby
Jackson		Union	LaSalle	Lafayette	Ripley	Tipton
Jefferson	**16**	Webster	Lincoln	Lawrence	St. Genevieve	Weakley
Lawrence		**TOTAL**	Livingston	Leflore	St. Francois	
Lee	**ALABAMA**	**COUNTIES**	Madison	Lincoln	Scott	**TOTAL**
Lincoln	Barbour		Morehouse	Madison	Shannon	**COUNTIES**
Lonoke	Bullock	**21**	Orleans	Marion	Stoddard	**21**
Marion	Choctaw		Ouachita	Marshall	Texas	
Mississippi	Clarke		Pointe Coupee	Montgomery	Washington	
Monroe	Dallas		Plaquemines	Panola	Wayne	
Ouachita	Greene		Rapides	Pike	Wright	
Phillips	Hale		Richland	Quitman		
Poinsett	Lowndes		St. Bernard	Rankin	**TOTAL**	
Prairie	Macon		St. Charles	Sharkey	**COUNTIES**	
Pulaski	Marengo		St. Helena	Simpson	**29**	**GRAND**
Randolph	Perry		St. James	Sunflower		**TOTAL**
St. Francis	Pickens		St. John the	Tallahatchie		
Searcy	Russell		Baptist	Tate		**235**
Sharp	Sumter		St. Landry	Tippah		
Stone	Washington		St. Martin	Tunica		
Union	Wilcox		Tangipahoa	Union		
Van Buren			Tensas	Walthall		
White			Union	Warren		
Woodruff	**TOTAL**		Washington	Washington		
	COUNTIES		West Baton Rouge	Wilkinson		
TOTAL	**16**		West Carroll	Yalobusha		
COUNTIES			West Feliciana	Yazoo		
			Winn			
			TOTAL			
42			**PARISHES**			
			45	**TOTAL**		
				COUNTIES		
				45		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM

PROGRAM OVERVIEW

Purpose of Program. The purpose of the Public Housing Resident Opportunities and Self Sufficiency (ROSS) Program is to link services to public and Indian housing residents by providing grants for supportive services, resident empowerment activities and activities to assist residents in becoming economically self-sufficient.

Available Funds. A total of $80.1 million; approximately $70 million from FY 2002 funds and $10.1 million in carryover funding.

Eligible Applicants. Public Housing Agencies (PHAs), resident management corporations (RMCs), resident councils (RCs), resident organizations (ROs), Intermediary Resident Organizations (IROs), City-Wide Resident Organizations (CWROs) and nonprofit entities supported by residents. Indian tribes (tribes) and tribally designated housing entities (TDHEs) are eligible for grants under the Resident Management and Business Development (RMBD), Capacity Building (CB), and Resident Service Delivery Models (RSDM) funding categories. Tribes and TDHEs are not eligible for grants as part of Neighborhood Networks, Homeownership Supportive Services and renewal of public housing service coordinator funding categories.

Application Deadline for ROSS Funding Categories.

May 14, 2002 for Resident Management and Business Development;

May 14 2002 for Capacity Building;

June 18, 2002 for Resident Service Delivery Models;

July 10, 2002 for Homeownership Supportive Services;

July 10, 2002 for Neighborhood Networks Centers; and

May 14, 2002 for Public Housing Service Coordinator.

Match. At least 25 percent of the grant amount is required as the grant match. This match does not have to be a cash match. The match can be in-kind and/or cash contributions.

ADDITIONAL INFORMATION

If you are interested in applying for funding under any of these programs, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance.

Application Due Date. Your completed application (one original and two copies is due on or before 12:00 midnight, Eastern time, on the following application due dates to HUD Headquarters at the address shown below.

May 14, 2002 for Resident Management and Business Development;

May 14, 2002 for Capacity Building;

June 18, 2002 for Resident Service Delivery Models;

July 10, 2002 for Homeownership and Supportive Services;

July 10, 2002 for Neighborhood Networks Centers; and

May 14, 2002 for Renewal of Public Housing Service Coordinator grants.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail application, express mail, overnight delivery, or hand-carried).

New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applicants must comply with the procedures included in the General Section of the SuperNOFA.

Address for Submitting Applications. You must submit your completed ROSS Program application (the original and two copies) to the Grants Management Center (GMC), 501 School Street, SW., Suite 800, Washington, DC 20024, by mail using the United States Postal Service (USPS) or it may be delivered only via the following four carrier services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 am and 5:30 pm Eastern Standard Time, Monday to Friday. If these companies do not service your area, you must submit your application via the United States Postal Service. All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date.

In the case of tribes/TDHEs, please submit your completed application (the original and two copies) to Denver Program Office of Native American Programs (DPONAP), 1999 Broadway, Suite 3390, Denver, CO 80202, by mail using the United States Postal Service (USPS) or it may be delivered only via the following four carrier services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. Delivery by these services must be made during HUD's business hours, between 8:30 am and 5:30 pm Eastern Standard Time (or Mountain Standard Time for Tribes/TDHEs), Monday to Friday. If these companies do not service your area, you must submit your application via the United States Postal Service. All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date.

For Application Kits. For an application kit and any supplemental material, please call the SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the ROSS Program, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at *http://www.hud.gov/grants.*

For Further Information and Technical Assistance. You may contact the local HUD field office or you may call the Public and Indian Housing Information and Resource Center at 1–800–955–2232. In the case of tribes/TDHEs, please contact the Local Area DPONAP or Carol Quinlan, DPONAP, Denver Program Office at 1–800–561–5913 or (303) 675–1600 (this is not a toll free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

(A) *Total Amount.* A total amount of $80.1 million is allocated for this NOFA. This amount is comprised of $70 million from the FY 2002 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 2001, and $10.1 million in carryover funding. For FY 2002, approximately $55 million is available for the Resident Opportunities and Self Sufficiency Program under Section 34 of the U.S. Housing Act of 1937, and $15 million is available from the Public Housing Capital Fund for Neighborhood Networks in public housing developments. The $10.1 million in carryover funding is composed of approximately $8.2 million from FY 1998 and FY 1999 carryover funding is being used from the Public Housing

Capital Fund, and an additional $1.9 million is carried over from the FY 2000 Community Development Block Grant fund. The $8.2 million is composed of approximately $2.6 million from the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 1998 and approximately $5.6 million from the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 1999.

(B) *Allocation.* To the extent that there are a sufficient number of qualified applications, not less than 25 percent of funds available for ROSS shall be provided directly to Resident councils (RCs), Resident Organizations (ROs), Resident Management Corporations (RMCs), Intermediary Resident Organizations (IROs), tribes/TDHEs on behalf of tribal residents and City-Wide Resident Organizations (CWROs). This requirement will be implemented by the awards made to resident organizations for the Resident Management and Business Development, Capacity Building, and the Resident Service Delivery Models funding categories.

(C) *Funding Categories and Funds Allocated to Each Category.* The funding categories under ROSS and the amount allocated for each funding category are as follows:

(1) *Resident Management and Business Development (RMBD).* A total of $6 million is allocated for this funding category.

(i) Grants will be made directly to site-basedRAs/ROs, RMCs, CWROs, and to tribal ROs, tribal RMCs, tribes/TDHEs that partner with tribal ROs and tribal RMCs to: increase resident involvement and participation in their housing developments; develop resident management opportunities; provide resident-led business or cooperative development opportunities; and obtain necessary supportive services for self-sufficiency.

(ii) The maximum grant award for this funding category is $100,000 per applicant.

(2) *Capacity Building (CB).* A total of $5 million is allocated for this funding category, described below:

(i) CB grants will be made to Intermediary Resident Organizations (IROs), tribes/TDHEs on behalf of tribal housing residents, tribal ROs, tribal RMCs, and non-profits which operate associations and networks that administer programs benefiting resident organizations. These grants provide assistance to site-based resident associations who do not yet have the capacity to administer a welfare-to-work program or conduct management activities.

(ii) You may apply for funding that will be used to assist public and tribal housing residents in establishing a new resident organization or you may apply for funds to help or enhance the capacity of existing resident organizations to enable residents to participate in housing agency decision-making, manage all or a portion of their housing developments, and/or apply for and administer grants.

(iii) The maximum amounts for CB grants are: $100,000 for CWROs or tribes/TDHEs per applicant, and $240,000 per applicant for all other eligible applicants. Applicants are required to allocate at least two-thirds of the total grant to direct funding of CB activities for site-based RAs/ROs and/or tribal ROs. CWROs or tribes/TDHEs are required to serve a minimum of 3 RAs and/or tribal ROs. All other applicants are required to serve a minimum of 10 RAs and/or tribal ROs.

(3) *Resident Service Delivery Models (RSDM).* A total of $22.9 million is allocated for this category of funding. The Resident Service Delivery Models (RSDM) funding category provides grants to Public Housing Agencies (PHAs), tribes/TDHEs or directly to resident management corporations, resident councils, or resident organizations, and nonprofit entities supported by residents. There are two sub-categories of grants under this funding category: Family Grants for program-related activities and supportive services to establish and implement comprehensive programs that achieve resident self-sufficiency for families; and Elderly and Persons with Disabilities Grants for independent living for the elderly and persons with disabilities.

(a) RSDM Family sub-category.

(i) *Maximum grant amount.* For RSDM, the maximum grant amounts are as follows:

For PHAs applying for family grants, the maximum grant application award will be based on the number of occupied family conventional public housing units. Tribes/TDHEs applying for RSDM should refer to section III (e) of this NOFA for computation of units for the maximum grant amount.

(ii) For the RSDM family category, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $250,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $500,000.
—For PHAs with 7,301 or more occupied family units, the maximum grant award is $1,000,000.

(b) RSDM Elderly and persons with disabilities sub-category.

(i) Maximum grant amount. For the Elderly and Persons with Disabilities RSDM Category, PHAs must use the number of occupied elderly conventional public housing units to determine the maximum awards listed below:

— For 1 to 217 units occupied by elderly residents and persons with disabilities, the maximum grant award is $100,000.
— For 218 to 1,155 units occupied by elderly residents and persons with disabilities, the maximum grant award is $200,000.
— For 1,156 or more units occupied by elderly residents and persons with disabilities, the maximum grant award is $300,000.

(c) The maximum grant award is $100,000 for each RA.

(d) Nonprofit entities supported by residents or RAs/ROs are limited to $100,000 for each RA/RO. A non-profit may submit a single application for no more than three different RAs for a maximum grant award of $300,000.

(e) Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2001 as defined in 24 CFR 1000.316. Tribes who have not previously received funds from the Department under the 1937 Housing Act should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2001 for either family or elderly/disabled units.

(4) *Homeownership Supportive Services (HSS).* A total of $11.2 million is allocated for this funding category.

(i) This funding category provides grants for a targeted group of public housing residents who were beneficiaries of previously awarded ROSS grants, and public housing Family Self-Sufficiency participants funded through operating subsidy. This funding category recognizes the improved earning capacity of residents participating in self-sufficiency programs and provides the support necessary to achieve increased opportunities for homeownership for public housing residents through housing choice vouchers. Under this funding category, PHAs will receive grants for counseling and other supportive services to achieve

homeownership for public housing residents. PHAs will design and develop homeownership supportive services for public housing residents. These supportive services shall comprehensively address the needs identified by the PHA for public housing families to obtain homeownership.

(ii) Grants will be made to PHAs. Tribes/TDHEs are not eligible applicants for the HSS.

(iii) For the Homeownership Supportive Services grants, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $300,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $400,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $500,000.

(5) *Neighborhood Networks (NN).* A total of $15 million is allocated for this funding category. Of this funding, $12 million will provide grants to PHAs to establish and operate new Neighborhood Networks Centers for public housing residents; and $3 million will provide funding to update and expand existing computer technology centers to become Neighborhood Networks centers. Computer centers operating in public housing developments or planned for public housing developments will receive assistance to secure the necessary space, computer hardware, software and peripherals necessary to operate self-sustaining NN centers. Conversion to NN centers will be part of the proposed grant for existing and new computer centers.

(i) For new NN centers, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $150,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $250,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $450,000.

(ii) To update and expand new and existing technology centers, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $50,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $100,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $200,000.

(6) Service Coordinator Renewals. A total of $20 million is allocated for this funding category.

(i) The Service Coordinator Renewal category provides grants to PHAs to address the needs of public housing residents who are elderly and persons with disabilities. Service coordinators help residents obtain supportive services that are needed to maintain independent living. Only renewals of FY 1995 Public Housing Elderly and Persons with Disabilities Service Coordinator grants will be funded under this ROSS competition; no applications for new Service Coordinator grants will be accepted.

(ii) These funds may only be used as follows:

— Renewal of existing Service Coordinator (SC) grants from FY 1995. This limitation is imposed to achieve Congressional intent to renew all service coordinator and congregate services grants.
— For the Elderly and Persons with Disabilities Service Coordinators category, award amounts cannot be higher than your highest funding and staffing level for any one-year period that was approved for their last funded Service Coordinator Grant. An increase of up to 2 percent over this amount will be allowed if supported by a narrative justification.

(D) *Transfer of Funds.* Funds for Neighborhood Networks centers may not be transferred to any other funding category within this NOFA. If all funds are not awarded in the RMBD, CB, HSS, SC funding categories, funds will be transferred to the RSDM funding category in this competition.

(E) *Number of Applications Permitted.* PHAs applying for Service Coordinator Renewal grants under this program section of the SuperNOFA may apply for one renewal grant and three additional grants in the NN, HSS and RSDM funding categories. RO applicants may submit a total of two applications for RMBD and RSDM, but not more than one application in any one funding category. Nonprofit applicants may submit a total of two applications for CB and RSDM, but not more than one application in any one funding category under this ROSS competition. Please read each funding category carefully for additional limitations.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of ROSS is to assist residents to become economically self-sufficient by providing supportive services and resident empowerment activities. This program is consistent with the Department's goal to most effectively focus resources on ''welfare to work'' and on independent living for the elderly and persons with disabilities. HUD is looking for applications that implement practical solutions within the grant term, and result in improved economic self-sufficiency for public or Indian housing residents. HUD seeks holistic solutions that involve the support of the entire community in providing self-sufficiency opportunities for residents. Therefore, HUD encourages you to involve elderly and persons with disabilities in activities that support self-sufficiency, such as child-care, mentoring, or after school care. This philosophy should be reflected in your proposed grant activities for all funding categories within this ROSS competition. Current experience with welfare to work programs has shown that a single approach or program does not always result in residents reaching desired self-sufficiency goals. The ROSS program permits proposed grant activities, which will build on or expand previous self-sufficiency efforts. Within the scope of the ROSS Program, proposed grant activities may be directed toward building on the foundation created by previous ROSS grants or other federal, State and local self-sufficiency efforts. Proposed grant activities may enhance self-sufficiency by providing opportunities for increased earning capacity; use of tools to encourage economic capacity (such as Individual Development Accounts); and action on resident goals to move toward homeownership. A description of each of the funding categories was provided in Section II of this program section. This section describes the eligible applicants and eligible activities of each funding category.

(B) *Definitions.*

City-Wide Resident Organization consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in housing developments that are owned and operated by the same PHA within a city.

Community Facility means a non-dwelling structure that provides space for multiple supportive services for the benefit of public or Indian housing residents and others eligible for the services provided. Services that may include but are not limited to:

(1) Child care;

(2) After-school activities for youth;

(3) Job training;

(4) Twenty/20 Education Communities (TECs) (formerly Campus of Learners) activities; and

(5) English as a Second Language (ESL) classes.

Contract Administrator means an overall administrator and/or a financial management agent that oversees the financial aspects of a grant and assists in the entire implementation of the grant. A signed Contractor Administrator Partnership Agreement must be included in your application. This agreement may be contingent upon you receiving a grant award and adherence to PHA or tribe/TDHE procurement policies. The contract administrator must assure that the financial management system and procurement procedures fully comply with 24 CFR part 84. Contract Administrators may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDCs), churches, temples, synagogues, mosques; non-profits; State/Regional associations and organizations. Troubled PHAs are not eligible to be Contract Administrators.

Firmly Committed means that the amount of resources and their dedication to ROSS-funded activities must be explicit, in writing and signed by a person authorized to make the commitment or by a person who certifies the commitment is by an authorized body or person. This written agreement may be contingent upon receiving an award.

Elderly person means a person who is at least 62 years of age.

Jurisdiction-Wide Resident Organization means an incorporated nonprofit organization or association that meets the following requirements:

(1) Most of its activities are conducted within the jurisdiction of a single housing agency;

(2) There are no incorporated Resident Councils or Resident Management Corporations within the jurisdiction of the single housing agency;

(3) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(4) Public housing residents representing unincorporated Resident Councils within the jurisdiction of the single housing agency must comprise the majority of the board of directors.

Tribally Designated Housing Entity (TDHE) is an entity authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

Indian Tribe means any tribe, band, nation, or other organized group of a community of Indians, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975.

Intermediary Resident Organizations means Jurisdiction-Wide Resident Organizations, City-Wide Resident Organizations, State-Wide Resident Organizations, Regional Resident Organizations, and National Resident Organizations.

National Resident Organization (NRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Person with disabilities means a person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

(3) Is determined to have a physical, mental, or emotional impairment which:

(a) Is expected to be of long-continued and indefinite duration;

(b) Substantially impedes his or her ability to live independently; and

(c) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving the overall grant goals and objectives.

Project is the same as ''low-income housing project'' as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act).

Resident Association (RA) means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), Jurisdiction-Wide Resident Organizations, and National Resident Organizations (NRO).

Resident Council (RC) means (as provided in 24 CFR 964.115) an incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the PHA/HUD, and be eligible to receive funds for RC activities and stipends for officers for their related costs for volunteer work in public housing. (Although 24 CFR part 964 defines an RC as an incorporated or unincorporated nonprofit organization, HUD requires RC applicants for ROSS grants to be registered with the State at the time of application submission.) The following also applies to resident councils:

(1) The RC must adopt written procedures such as by-laws, or a constitution, which provides for the election of residents to the governing board by the voting membership of the public housing residents. The elections must be held on a regular basis, but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression

of the voting membership's desire for a recall election, and set the percentage of voting membership that must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(2) The RC must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose names appear on a lease for the unit in the public housing that the resident council represents.

(3) The RC may represent residents residing in:

(a) Scattered site buildings in areas of contiguous row houses;

(b) One or more contiguous buildings;

(c) A development; or

(d) A combination of the buildings or developments described above.

Regional Resident Organization (RRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) The RRO is regional (i.e., not limited by HUD Areas);

(2) The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Resident Management Corporation (RMC) (see 24 CFR 964.7, 964.120) means an entity that consists of residents residing in public housing and must have each of the following characteristics in order to receive official recognition by the PHA and HUD:

(1) The RMC shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) The RMC may be established by more than one RC, so long as each such council:

(a) Approves the establishment of the corporation; and

(b) Has representation on the Board of Directors of the corporation.

(3) The RMC shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) The RMC's by-laws shall require the Board of Directors to include resident representatives of each RC involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall; and term limits if desired;

(5) The RMC's voting members shall be heads of households (any age) and other residents at least 18 years of age and whose names appear on the lease of a unit in public housing represented by the RMC;

(6) Where an RC already exists for the development, or a portion of the development, the RMC shall be approved by the RC board and a majority of the residents. If there is no RC, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) The RMC may serve as both the RMC and the RC, so long as the corporation meets the requirements of 24 CFR part 964 for an RC.

Resident Organization (RO) for tribal entities means an incorporated or nonprofit tribal organization or association that meets each of the following criteria:

(1) It shall consist of residents only, and only residents may vote;

(2) If it represents residents in more that one development or in all of the developments of the tribal/TDHE community, it shall fairly represent residents from each development that it represents;

(3) It shall adopt written procedures providing for the election of specific officers on a regular basis; and

(4) It shall have democratically elected a governing board. The voting membership of the board shall consist solely of the residents of the development or developments that the tribal RO represents.

Secretary means the Secretary of Housing and Urban Development.

Site-Based Resident Associations means Resident Councils and Resident Management Corporations.

Statewide Resident Organization (SRO) means a Site-Based incorporated nonprofit organization or association for public housing that meets the following requirements:

(1) The SRO is Statewide;

(2) The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the State must comprise the majority of the Board of Directors.

Tribal/TDHE Resident Group means tribal/TDHE resident groups that are democratically elected groups such as IHA-wide resident groups, area-wide resident groups, single development groups, or resident management corporations (RCMs).

(C) *Resident Management and Business Development (RMBD).* This funding category makes grants to establish and strengthen organizational capacity for site-based resident organizations that do not have the capacity to administer a welfare to work program or conduct management activities, conduct training or implement business development.

(1) *Eligible applicants.* Site-Based Resident Associations (RAs), tribes/TDHES, tribes/TDHEs that partner with tribal ROs or tribal RMCs and City-Wide Resident Organizations (CWROs). If you are an RA/RO that is a beneficiary or recipient of proposed grant activities by a CWRO/TDHE, then you cannot also apply under this category. You may only submit one application under this funding category.

(2) *Eligible participants.* Program participants must be residents of conventional public housing or Indian housing programs. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(3) *Eligible Activities.* Funding is limited to the following activities below:

(a) Training related to resident-owned business, cooperative development, resident property management and technical assistance for job training and placement in housing developments. Proposed grant activities may include but are not limited to: feasibility and market studies; development of business plans; outreach activities; and innovative financing methods including revolving loan funds and the development of credit unions; and legal advice in establishing a resident-managed business entity or cooperative.

(b) Establishing and funding revolving loan funds. Revolving loan funds cannot be used for acquisition, disposition, or physical development;

(c) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a development;

(d) Training residents with respect to fair housing requirements; and

(e) Gaining assistance in negotiating management contracts and designing a long-range planning system.

(f) Providing social support needs (such as self-sufficiency and youth initiatives) including:

(g) Feasibility studies to determine training and social services needs;

(h) Training in management-related trade skills, computer skills, and similar skills;

(i) Management-related employment training and counseling including job search assistance, job development assistance, job placement assistance, and follow up assistance;

(j) Supportive services including: child care services; educational services, remedial education, literacy training, ESL instruction, assistance in attaining a GED; vocational training including computer training; health care outreach and referral services; meal services for the elderly or persons with disabilities; personal assistance to maintain hygiene/appearance for the elderly or persons with disabilities; housekeeping assistance for the elderly or persons with disabilities; transportation services; congregate services for the elderly or persons with disabilities; and case management;

(k) Training for programs such as childcare, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(l) Training programs on health, nutrition, safety and substance abuse. Food costs that are directly attributable to the nutrition and health training are eligible grant expenditures. These are not food costs associated with entertainment.

(m) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, and goal planning. The workshops can be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire, and Big Brother/Big Sisters. Proposed activities may include training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations and resident councils or resident organizations on youth initiatives and program activities;

(n) Physical improvements to facilities at public or tribal housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities or modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; all renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA or tribal development to accommodate the provision of supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(4) *Ineligible Resident Management and Business Development Activities and Costs.*

(a) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel performed in connection with implementing the Work Plan. A travel budget limit of a maximum of $5,000 is allowed to support travel expenses. These travel expenses must directly pertain to travel related to work plan implementation.

(b) Purchase or rental of land.

(c) Activities not directly related to the welfare-to-work initiatives (*e.g.*, lead-based paint testing and abatement and operating capital for economic development activities).

(d) Purchase of any vehicle (car, van, bus, etc.).

(e) Payment of salaries for routine project operations, such as security and maintenance, or for applicant staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the Resident Management and Business Development grant activities or coordinate on-site social services.

(f) Payment of fees for lobbying services.

(g) Any expenditures that are fraudulent, wasteful or otherwise incurred contrary to HUD or OMB directives.

(h) Any cost otherwise eligible under this program section of the SuperNOFA for which funds are being provided from any other source.

(i) Entertainment equipment such as televisions, radios, stereos, and VCRs. An exception to this item may be granted by the HUD Field or DPONAP Office if funding is being utilized specifically for the purposes of establishing a business directly related to radio, television or film or some other form of technical communication, and equipment is being utilized for training of residents, ROs or RAs. All such exceptions must be authorized in writing by the HUD Field or DPONAP Office before purchases may be made.

(j) The cost of application preparation is not eligible.

(5) *Supporting Information.* The following information may be useful in developing proposed grant activities and costs:

(a) *Training.* Training activities may include training on HUD regulations and policies governing the operation of low-income public or Indian housing including contracting/procurement regulations; financial management; job and business development training; capacity building to develop the necessary skills to assume management responsibilities at the project and property management; and training in accessing other funding sources.

(b) *Hiring trainers or other experts.* Resident grantees must ensure that all training is provided by a qualified public housing or management specialist (Consultant/Trainer), HUD Headquarters, Field or DPONAP staff, or the local PHA or tribe /TDHE. A qualified trainer is one who has a high degree of working program knowledge. To ensure the successful implementation of the grant Work Plan activities, you are required to determine the need to contract for outside consulting/training services. You and the PHA or tribe/TDHE must jointly select and approve the consultant/trainer. Your application should make maximum use of your PHA, non-profit, or other Federal, State, or local government resources for technical assistance and training needs. The amount allowed for hiring an individual consultant for this purpose shall not

exceed 30 percent of your total grant amount or $30,000, whichever is less. The amount available for all consultants and contracts should not exceed 50 percent of your grant amount or $50,000, whichever is less. HUD Field or DPONAP Offices will monitor this process to ensure compliance with program and OMB requirements, and particularly the requirement for competitive bidding. You must use performance-based contracting, which requires that fees be paid in exchange for goods and services actually delivered. For example, a trainer would be paid for the number of residents that were trained, *i.e.*, performance, regardless of the maximum dollar amount quoted in the contract.

(c) *Stipends.* Trainees and program participants of an RA, RO or CWRO, may receive stipends for participating in or receiving training under Resident Management to cover reasonable costs related to participation in training and other activities in your program, subject to the availability of funds. The stipends should be used for additional costs incurred during the training programs, such as childcare and transportation costs. The cost of stipends may not exceed $200 per month per trainee without written HUD Field or DPONAP Office authorization.

(d) *Reimbursement of Reasonable Expenses.* Reimbursement of reasonable expenses incurred by Officers and Board members in the performance of their fiduciary duties and/or training related to the performance of their official duties.

(e) *Travel.* Travel directly related to the successful completion of your required Work Plan adhere to the travel policy that sets travel costs at a maximum amount of $5,000 per RA or RO without special HUD approval.

(f) *Child-Care Expenses.* Childcare expenses for individual staff, board members, or residents in cases where those who need child care are involved in training-related activities associated with your grant activities.

(g) *Costs incurred by a RA or RO in applying for 501(c) tax-exempt status with the Internal Revenue Service.* Please refer to the Internal Revenue Service (IRS) Publication 557, which describes the requirements for section 501(c) tax exempt organizations and list the applicable forms required.

(h) *Administrative costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 20 percent of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(i) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). If appropriate, you may also include rental or lease of a car, van, or bus by resident grantees to attend training. You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities;

(6) *Grant term.* The grant term for Resident Management and Business Development grants is thirty-six months from the execution date of your grant agreement.

(D) *Capacity Building.*

(1) *Eligible applicants.* (a) Intermediary Resident Organizations (IROs) on behalf of public or Indian housing residents, which include Public Housing Site-Based Resident Councils, Resident Organizations and Resident Management Corporations, may apply for Capacity Building (CB) grants. IROs include National Resident Organizations, Statewide Resident Organizations, Regional Resident Organizations, City-Wide Resident Organizations, and Jurisdiction-Wide Resident Organizations.

(b) Non-profits that operate as associations or networks that administer programs that benefit public or Indian housing resident organizations are also eligible for this funding category.

(2) Eligible activities. Eligible activities for CB grants may include, but are not limited to:

(a) Training for Resident Advisory Board Members and Resident representatives that serve on the PHA Board of Directors, and for resident Board members in community organizing, Board development, and leadership training;

(b) Assessing the feasibility of training existing resident groups for resident management or for a specific resident management project;

(c) Assisting in the creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter;

(d) Developing the management capabilities of existing resident organizations; and

(e) Determining the feasibility of homeownership by residents, including assessing the feasibility of other housing (including HUD-owned or held single or multi-family) affordable for purchase by residents.

(3) *Ineligible Activities.* Ineligible activities are the same as those listed in Section III(C)(4) of this program section of the SuperNOFA, above.

(a) In addition, physical development activities are not eligible for funding under CB grants.

(b) The cost of application preparation is not eligible.

(4) *Administrative costs* may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(5) *Grant term.* The grant term for Capacity Building grants is thirty-six months from the execution date of the grant agreement.

(E) *Resident Service Delivery Models (RSDM).*

(1) *Eligible Applicants.* (a) Family. This funding category provides grants to PHAs, tribes/TDHEs, resident management corporations, resident councils, resident organizations, and nonprofit entities supported by residents, to enable them to establish and implement comprehensive programs that assist residents in becoming self-sufficient.

(b) *Elderly and Persons with Disabilities.* PHAs, tribes/TDHEs and non-profits supported by a duly elected resident council are the only eligible applicants in providing supportive services for the elderly and persons with disabilities.

(c) IROs with 501(c) status may apply as non-profit entities under this funding category.

(2) *Number of RSDM Applications Permitted.*

(a) *General.* A PHA or tribe/TDHE must submit an application either for a family or an elderly grant. ROs or RCs must submit one application for a family grant; and non-profits may submit one application for a family or elderly grant representing up to three public or Indian housing resident groups.

(b) *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. All parties in a joint application (lead or non-lead) are considered to be applying for ROSS and are therefore subject to the limit of one ROSS application per applicant, with the exception of those Public Housing Service Coordinator renewal applicants that may also apply in one additional ROSS category. Both lead and non-lead applicants are subject to threshold requirements. Joint applications may include PHAs, RAs, IROs, Tribes/TDHEs, and nonprofit entities on behalf of resident organizations. Joint

applications must also provide evidence of resident support. The maximum funding for joint applications cannot exceed the sum of the individual grants as specified above. Any eligible applicant can serve as a lead applicant.

(3) *Eligible participants.* Program participants must be residents of conventional public or Indian housing. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(4) *Eligible Activities.* Funds may be used for the activities described below for the family category.

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for either proposed family or elderly RSDM activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements to provide space for self-sufficiency activities for residents (*i.e.* to provide cosmetic repairs for space to conduct community activities; or to expand existing community space for proposed ROSS activities) or modification for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments. All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act. Physical improvements include the following:

(i) The renovation, conversion, or combination of vacant dwelling units in a housing development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvement;

(ii) The renovation of existing common areas in a housing development to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iii) The renovation or repair of facilities located near the premises of one or more housing developments to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iv) If renovation, conversion, or repair is done off-site, you must provide documentation that you have control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation or other appropriate documentation.

(c) *Entrepreneurship training.* Entrepreneurship training includes literacy training, computer skills training, and business development planning.

(d) *Entrepreneurship development.* Entrepreneurship development includes entrepreneurship training curriculum and entrepreneurship courses.

(e) *Micro/Loan fund.* Developing a strategy for establishing a revolving micro/loan fund and/or capitalizing a loan fund, including licensing, bonding, and insurance needed to operate a business. Revolving loan funds cannot be used for acquisition, disposition, or physical development.

(f) *Developing credit unions.* Developing a strategy to establish and/or create on-site credit union(s) to provide financial and economic development initiatives to PHA residents. (RSDM grant funds cannot be used to capitalize a credit union.) The credit union can support the normal financial management needs of the community (*i.e.*, check cashing, savings, consumer loans, micro-businesses money management, home buyer counseling, educational loans, and other revolving loans).

(g) *Individual development accounts.* Activities or programs that encourage residents to contribute to matched savings accounts known as Individual Development Accounts (IDAs). These programs include financial counseling and education activities. (RSDM funds cannot be used as matching funds for the actual savings account).

(h) *Employment training and counseling* (*e.g.*, job training, establishing registered apprenticeship programs, preparation and counseling, job search assistance, job development and placement, and supportive services to support job training and apprenticeship activities).

(i) *Employer linkage and job placement.*

(j) *Enhanced self-sufficiency programs or work initiatives.* These programs will reinforce initial welfare to work programs and will focus on efforts to increase the earning capacity of residents. With a goal of increased resident earning capacity, additional efforts may be undertaken to establish or develop programs through job training, employment training and counseling, employer linkages and job placement, or other welfare to work initiatives. Activities may include but are not limited to assisting eligible residents in: securing better-paying jobs, seeking an improved work environment, preparing for work in a new job category, or obtaining enhanced job-related skills and educational training.

(k) *Family only—supportive services activities.* The provision of services to assist eligible residents to become economically self-sufficient, particularly families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs. Eligible supportive services may include, but are not limited to:

(1) Child care, of a type that provides sufficient hours of operation and serves appropriate ages as needed to facilitate parental access to education and job opportunities;

(2) Computer-based educational opportunities, skills training, and entrepreneurial activities;

(3) Homeownership training and counseling, development of feasibility studies and preparation of homeownership plans/proposals;

(4) Education including but not limited to: remedial education; computer skills training; career counseling; literacy training; assistance in the attainment of certificates of high school equivalency; two-year college tuition assistance; trade school assistance; youth leadership skills and related activities (activities may include peer leadership roles training for youth counselors, peer pressure reversal, life skills, and goal planning). Academic support shall not be limited to TANF recipients;

(5) Youth mentoring of a type that mobilizes a potential pool of role models to serve as mentors to public housing youth. Mentor activities may include after-school tutoring, help with problem resolution issues, illegal drugs avoidance, job counseling, or mental health counseling;

(6) Transportation costs, as necessary to enable any participating family member to receive available services to commute to his or her training or

supportive services activities or place of employment;

(7) Personal well-being (e.g., family/parental development counseling, parenting skills training for adult and teenage parents, self-development counseling, support groups/counseling for victims of domestic violence, and/or families with a mentally ill member, etc.);

(8) Supportive health care services (e.g., outreach and referral services to substance and alcohol abuse treatment and counseling, mental health services, wellness programs). Food costs that are directly attributable to the actual nutrition and health training are eligible grant expenditure. These are not food costs associated with entertainment;

(9) Contracting for case management services or employment of case managers, which must ensure confidentiality about resident's disabilities;

(l) *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs;

(m) *Stipends.* No more than $200 per participant per month of the grant award may be used for stipends for active trainees and program participants to cover the reasonable costs related to participation in training and other activities.

(5) *Elderly and persons with disabilities''eligible activities.* Supportive services activities for elderly and persons with disabilities activities may include, but are not limited to:

(a) A Program Coordinator (See Section III (E) (4) (a) for a description);

(b) Meal service adequate to meet nutritional need;

(c) Assistance with daily activities;

(d) Housekeeping aid;

(e) Transportation services;

(f) Health and nutrition programs, preventive health education, referral to community resources;

(g) Personal emergency response;

(h) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development;

(i) Case management;

(6) *Administrative costs.* Administrative costs, which may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(7) *Ineligible Activities.* Activities for which costs are ineligible for funding under the RSDM funding category include:

(a) Elderly Service Coordinator salary funding;

(b) Payment of wages and/or salaries to participants receiving supportive services and/or training programs, except that grant funds under family RSDM may be used to hire a resident(s) as a Program Coordinator or to provide training program activities;

(c) Purchase or rental of land;

(d) New construction, materials, costs;

(e) Purchase of vehicles; and

(f) Cost of application preparation is not eligible.

(8) *Grant term.* The grant term for Resident Service Delivery Models grants is thirty-six months from the execution date of the grant agreement.

(F) *Homeownership Supportive Services (HSS).* This funding category makes grants to PHAs for homeownership counseling and other supportive services for public housing residents who have participated in self-sufficiency programs. HSS activities including housing counseling are a missing link for working public housing residents to secure homeownership. HSS will build on the foundation of previous self-sufficiency activities to enhance the economic benefit for residents. Through these self-sufficiency programs the improved earning capacity of residents can be recognized as a foundation for homeownership. These grants will provide public housing residents with critical preparation for moving from renting to homeownership. In addition, HSS grants will create a pool of residents adequately prepared to pursue homeownership through the housing choice voucher program or other local homeownership programs. Therefore, HSS supports the existing section 8 homeownership program activities.

(1) *Eligible Applicants.* This funding category provides grants to PHAs for homeownership supportive services for public housing residents that were recipients of previously awarded ROSS grants and participates in the public housing Family Self Sufficiency Program funded from the operating fund. Tribes/TDHEs are not eligible applicants for HSS.

(2) *Eligible participants and requirements.* Program participants must meet all of the following conditions:

(a) This funding category is targeted to the population of public housing residents that were recipients/beneficiaries of previously awarded ROSS grants between FY 1999 and FY 2000, and participates in the public housing Family Self Sufficiency Program funded from the operating fund.

(b) Program participants must be residents of conventional public housing. As the applicant you must provide a statement that all of those served are residents affected by welfare reform. This includes those residents who are currently eligible, currently receiving, or have received within the preceding five years, assistance or services funded under TANF, SSI, or food stamp program.

(c) Where the number of targeted residents is not sufficient, the PHA may request a waiver to include conventional public housing residents, who participated in State and/or local self sufficiency programs in order to address homeownership needs in the local area.

(d) ROSS families or PH FSS residents to be targeted for proposed grant activities must meet the following eligibility requirements: Demonstrate an increase over a base year in earned income of at least 35 percent; achieve a level of income within the acceptable range for the local minimum income for home purchases in the local area; and currently reside in public housing.

(e) PHAs must have a Section 8 Homeownership program as stated in 24 CFR 982.625 *et seq.* (65 FR 55163). Those PHAs that have not elected to provide assistance under the voucher homeownership option (see final rule published September 12, 2000, 65 FR 55134), will be required to make such option available to eligible applicants who receive a voucher.

(f) In applying for HSS, applicants will be required to offer a minimum of 10 housing choice vouchers per year for eligible residents described above.

(3) *Eligible Activities.* Under this funding category, PHAs will design and develop homeownership supportive services for public housing residents. These supportive services shall comprehensively address the needs identified by the PHA for public housing families to obtain homeownership.

(a) Eligible activities shall include but not be limited to: Pre-purchase homeownership counseling and training; which may include training on such subjects as credit and financial management; credit repair; housing search; how to finance purchase of a home; fair housing; Individual Development Accounts, Real Estate Settlement Procedures Act (RESPA); and home maintenance.

(b) *Program Coordinator.* You are encouraged to include a Program Coordinator for activities for the entire term of your grant. A Program

Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(c) *Physical improvements.* Physical improvements to facilities at public or tribal housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities or modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA or tribal development to accommodate the provision of supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(d) PHAs are strongly encouraged to partner with HUD-approved housing counseling agencies, or other agencies that provide housing counseling services.

(e) *Administrative Costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 10 percent of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(f) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities.

(4) *Grant Term.* The grant term for Homeownership supportive services grants is thirty-six months from the execution date of your grant agreement.

(G) *Neighborhood Networks.* This funding category provides grants to PHAs to establish and/or operate Neighborhood Networks Centers that use computer technology and telecommunications or to update and expand existing computer centers. These computer centers will function as self-sustaining Neighborhood Networks Centers that: Increase the use of computer technology; reduce welfare dependency; promote economic self sufficiency; improve human development; provide opportunities for job training and development; expand educational opportunities for residents; develop access to health and nutrition information; and empower the clients they serve. All awardees will be required to complete the NN Business Plan and receive designation as a NN center within the grant term as part of proposed grant activities.

(1) *Eligible Applicants.* This funding category provides grants to PHAs. Tribes/TDHEs are not eligible applicants for NN under this funding category.

(2) *Eligible Activities.* Under this funding category, funds may be used for the following activities for either new NN or to update and expand existing computer centers to become NN:

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for NN activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements must directly relate to providing space for Neighborhood Networks Center activities for residents, including modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 20 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of a NN and supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA development to accommodate the provision of a NN and supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(3) *Maintenance and insurance costs.* Include installing, training, and maintaining the hardware and software as well as insurance coverage for the space and equipment. Costs of computer hardware and software necessary to accommodate the needs of persons with disabilities are an eligible cost for this funding category.

(4) *Online computer center coordinator.* Costs for implementing the Neighborhood Networks Center and coordinating with social and supportive services staff.

(5) *Security and related costs.* Includes space and minor refitting, locks, and oversight.

(6) *Resident development and training courses.* These courses may be on disk, through the Web, and/or presented live.

(7) *Distance Learning Equipment.* Distance learning equipment, including the costs for video casting and purchase/lease/rental of distance learning equipment.

(8) *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(9) *Grant Term.* The grant term for Neighborhood Networks grants is thirty-six months from the execution date of the grant agreement.

(H) *Service Coordinators for Elderly and Persons with Disabilities.*

(1) *Eligible Applicants.* This funding category provides grants to PHAs with developments designated for the elderly and persons with disabilities, which were initially awarded in FY 1995. Tribes/TDHEs are not eligible for public housing service coordinator renewal grants.

(2) *Joint Applications.* Two or more PHAs may join together to share a service coordinator and to submit joint applications. Joint applicants must designate a lead applicant. All joint applicants must be existing service coordinator grantees.

(3) *Eligible Developments.* To be eligible, a development must have elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(4) *Eligible Activities.* Under this funding category, funds may be used for the following activities:

(a) *Service Coordinator.* To pay for the salary, fringe benefits, and related administrative costs for employing a service coordinator. A service coordinator is a social service staff person hired or contracted by the PHA. The coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. The service coordinator, however, may not require any elderly person or person with disabilities to accept the supportive services. For the purposes of this program, a service coordinator is any person who is responsible for one or more of the following functions:

(i) Working with community service providers to coordinate the provision of services and to tailor the services to the needs and characteristics of eligible residents;

(ii) Establishing a system to monitor and evaluate the delivery, impact, effectiveness and outcomes of supportive services under this program;

(iii) Coordinating this program with other independent living or self-sufficiency, education and employment programs;

(iv) Performing other duties and functions to assist residents to remain independent, and to prevent unnecessary institutionalization; and

(v) Mobilizing other national and local public/private resources and partnerships.

(b) *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(5) *Ineligible Activities/Costs.* (a) Applicants may not use these monies to replace current funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions; and

(b) The cost of application preparation is not eligible.

(6) *Grant Term.* The grant term for Elderly or Persons with Disabilities Service Coordinator grants is 12 months.

IV. Program Requirements

The requirements of this section are applicable to all applicants, and grantees under this announcement of funding availability.

(A) *Compliance with Fair Housing and Civil Rights Laws.* Your application must meet all the applicable threshold requirements found in Section II (B) of the General Section of the SuperNOFA, as well as the following requirements.

(B) *Affirmatively Furthering Fair Housing.* You must adhere to the requirements as provided in Section II(D) of the General Section of the SuperNOFA.

(C) *Conducting Business In Accordance With Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects Core Values. See Section II(B)(2) of the General Section of the SuperNOFA for requirements.

(D) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. See Section II (F) of the General Section of the SuperNOFA for requirements.

(E) *Economic Opportunities for Low and Very Low Income Persons (Section 3).* You must adhere to the requirements as provided in Section II (E) of the General Section of the SuperNOFA.

(F) *Certifications and Assurances.* You must comply with the certifications and assurances contained in Section II (G) of the General Section of the SuperNOFA.

(G) *Applicant Internet Access.* Prior to the initial draw down, all grantees must have secured online access to the Internet as a means to communicate with HUD on grant matters. Tribes/TDHEs awardees may submit a waiver request to the Office of Native American Programs for this requirement if Internet access cannot be obtained.

(H) *ROSS Evaluation and Assessment.* All applicants selected for award must be willing to participate in the evaluation and assessment that HUD intends to conduct for the ROSS Program. At grant award HUD will provide additional information on the evaluation and assessment for applicants who receive awards.

(I) *ROSS Performance Measures.* All applicants selected for award must use ROSS Performance Measures in grant reporting for all awards. A comprehensive list of Performance Measures is provided in Appendix A to this NOFA. At grant award HUD will provide additional information on the Performance Measures for applicants who receive awards.

V. Application Selection Process

(A) Application Selection Process for Resident Management and Business Development. Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding a maximum of the first five eligible applications from each of the ten federal regions and DPONAP on a first-come, first-serve basis for this SuperNOFA. Any funds remaining after making awards to the first five eligible applications from each region and DPONAP will be awarded to the next eligible application from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region and DPONAP, the eligible applications will then be funded in the order in which they were received regardless of region. Where physical development

activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected. If all funds are not awarded in this funding category, available funds may be transferable to the RSDM funding category in this ROSS competition.

(B) Application Selection Process for Capacity Building. Applicants for Capacity Building grants are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding the first two eligible applications from each of the ten federal regions and DPONAP on a first-come, first-served basis for this SuperNOFA. Any funds remaining after making awards to the first two eligible applications from each region and DPONAP will be awarded to the next eligible application from each region and DPONAP, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region and DPONAP, the eligible applications will then be funded in the order in which they were received regardless of region and DPONAP. If all funds are not awarded in this funding category, available funds may be transferable to the RSDM funding category in this ROSS competition.

(C) Application Selection Process for Resident Service Delivery Models.

(1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 70 is required to be considered for funding. If you are not the PHA or Tribe/TDHE, where physical development activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions and DPONAP for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions and DPONAP for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region and DPONAP until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and DPONAP and will fully fund as many as possible with remaining funds. Additional funding rounds to utilized transferred funding will be awarded utilizing the process described above.

(3) Factors for Award Used to Evaluate and Rate RSDM Applications. The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A RSDM application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed RSDM program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, enhanced self-sufficiency program, welfare-to-work initiative, or economic independence oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, enhanced self-sufficiency program, welfare-to-work initiative, or economic independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants: Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the

Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; Indian Housing Drug Elimination Program; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area. You will be evaluated on the extent to which they document a critical level of need in the development or your proposed activities in the area where activities will be carried out. In responding to this factor, you will be evaluated on:

(1) *A Needs Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document.

(a) To obtain maximum points for Family RSDM applications, this document must contain statistical data, which provides:

(i) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(ii) Specific information on training, contracting, and employment through the PHA or tribe/TDHE;

(iii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use. For enhanced self-sufficiency programs, you must describe specific baseline elements upon which goals will be measured;

(iv) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from welfare-to-work increased earning capacity or sustained work; and

(v) For enhanced self-sufficiency programs, you must describe how your proposed grant activities will contribute to the economic stability of the affected area.

(b) In order to obtain maximum points for Elderly and Persons with Disabilities RSDM applications, the needs assessment document should contain statistical data that provide:

(i) The numbers of residents needing assistance for activities of daily living;

(ii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(iii) A description of the goals, objectives, and program strategies that will result in increased independence for proposed program participants;

(2) *Level of Priority in Consolidated Plan or Indian Housing Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan, or Indian Housing Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed RSDM program; the soundness of your plan to evaluate the success of your proposed RSDM program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address the needs of residents* (21 Points). The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the needs of residents:

(a) *Services.* (18 Points for Family RSDM applicants and 21 Points for Elderly and Persons with Disabilities RSDM applicants). More points are awarded in the Elderly and Persons with Disabilities RSDM applications to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant) The score under this subfactor will be based on the following:

(i) For Family RSDM applications, the extent to which your plan provides services that specifically address the successful transition from welfare to work of non-elderly families. To receive a high score, your plan must include case management/counseling, job training/development/placement (and/or business training/development/startup), childcare, and transportation services. If you are not proposing to use RSDM funding for these activities, you must show that you will provide these services with other funds or through specific commitments from partners.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to welfare-to-work, enhanced self-sufficiency programs or other initiatives which build on previous welfare-to-work programs, and other self-sufficiency/independence goals. Specifically for those residents affected by welfare reform, we are interested in achievements that are performance outcomes such as the number of residents employed or businesses started, in addition to process descriptions, such as the number of residents receiving training. Similarly, for those residents involved in enhanced self-sufficiency programs, we are interested in achievements related to performance measures such as sustained work and increased earning capacity.

(iii) For Elderly and/or Persons with Disabilities RSDM applications, services in your plan should include case management, health care, congregate services and transportation. To obtain maximum points, you must describe the goals, objectives, and program strategies that will result in increased independence for proposed program participants; your services must be located in a community facility; and must be available on a 12-hour basis or as needed by the eligible residents.

(b) *Resident Contracting and Employment.* (3 Points for Family RSDM applicants) The score in this factor will be based on the extent to which residents will achieve self-sufficiency or increased earning capacity through your contracts with resident-owned businesses and through resident employment. A high score will be awarded where there is documentation (a letter or resolution from your governing body) describing

your commitment to hire or contract with at least 15 percent of residents and a narrative describing the number of resident jobs or contracts involved, as well as the training processes related to the comprehensive plan of your application. Elderly and Persons with Disabilities RSDM applications will not be scored on the criterion in this subcategory.

(2) *Budget Appropriateness/Efficient Use of Grant.* (5 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the following:

(a) *Detailed Budget Breakout.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 20 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(3) *Reasonableness of the Timetable.* (2 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant)

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed RSDM program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(4) *Program Assessment.* (3 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed RSDM program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program, which must include, if applicable, a plan for monitoring your Contract Administrator's performance. Your application should track specific measurable achievements for the use of program funds, such as number of residents employed, salary scales of jobs obtained, persons removed from welfare roles 12 months or longer, number of elderly or persons with disabilities residents receiving supportive services, increased earnings based on grant activities, and number of persons receiving certificates for successful completion of training in careers such as computer technology.

(5) *Resident and Other Partnerships* (9 Points for Family RSDM applicants and 7 Points for Elderly and Persons with Disabilities RSDM applicants)

(a) *Resident Involvement in RSDM Activities* (3 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant): The score in this factor will be based on the extent of resident involvement in developing your proposed RSDM program as well as the extent of proposed resident involvement in implementing your proposed RSDM program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed RSDM program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities or management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and

(iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points for Family RSDM only) For Family RSDM applicants, the score in this factor will be based on the extent of coordination between your proposed RSDM program and any existing or proposed programs within your jurisdiction. To receive a high score, you must contain an MOU that describes collaboration between the applicant and residents on all of the specific components related to the work plan of the proposed RSDM program. To receive points, at a minimum, you must have a narrative description of this collaboration. Elderly and Persons with Disabilities RSDM applications will not be scored on this criterion.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the RSDM grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including RSDM funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to

coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan or Indian Housing Plan.* (2 Points for Family RSDM applicants and 6 points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded for Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant.) Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For Family RSDM Applications, Coordination with the State and/or Local Welfare Plan* (4 Points): Provides evidence that your proposed RSDM program has been coordinated with and supports the PHA's efforts to increase resident self-sufficiency or increase resident earning capacity and is coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points) Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(D) *Application Selection Process for Homeownership Supportive Services.*

(1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section.

The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. If all funds are not awarded in RMBD, CB, HSS, SC funding categories, funds will be transferred to RSDM funding categories in this competition.

(2) *Factors for Award Used to Evaluate and Rate HSS Applications.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 1024. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A HSS application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed HSS program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and

timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, homeownership or independence-oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, homeownership, or independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants or programs: Family Self Sufficiency; Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; housing choice voucher homeownership program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the need/goal of the target population of pervious ROSS recipients/beneficiaries. You will be evaluated on the extent to which you document your proposed activities demonstrate that participants in self sufficiency programs are able to move from renting to homeownership, based on need, increases in resident income and other self sufficiency efforts. In responding to this factor, you will be evaluated on:

(1) *A Needs/Goals Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document. To obtain maximum points for HSS applications, this document must contain statistical data that provides:

(a) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(b) Specific information on training, contracting, and employment through the PHA;

(c) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(d) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from renters to homeowners.

(2) *Level of Priority in Consolidated Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: The viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed HSS program; the soundness of your plan to evaluate the success of your proposed HSS program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address the homeownership of transferred residents.* (18 Points) The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the counseling needs of residents identified for homeownership.

(a) *Services.* The score under this subfactor will be based on the following:

(i) The extent to which your plan provides services that specifically addresses the successful transition from renters to homeowners. To receive a high score, your plan must include case management and/or counseling.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to moving from renting to homeownership. Specifically for those residents affected by welfare reform, we are interested in achievements that are performance outcomes of residents targeted for homeownership, in addition to, descriptions of residents receiving training and homeownership counseling activities.

(2) *Budget Appropriateness/Efficient Use of Grant.* (8 Points) The score in this factor will be based on the following:

(a) *Detailed Budget Breakout.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 10 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(d) *Reasonableness of the Timetable.* The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed HSS program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(3) *Program Assessment.* (5 Points). The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed HSS program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program. Your application should track specific measurable achievements for the use of

program funds, such as number of residents counseled on becoming homeowners.

(4) *Resident and Other Partnerships.* (9 Points)

(a) *Resident Involvement in HSS Activities.* (3 Points). The score in this factor will be based on the extent of resident involvement in developing your proposed HSS program as well as the extent of proposed resident involvement in implementing your proposed HSS program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed HSS program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities or management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and

(iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points) For HSS applicants, the score in this factor will be based on the extent of coordination between your proposed HSS program and any existing or proposed programs within your jurisdiction. To receive points, at a minimum, you must have a narrative description of this collaboration.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the HSS grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: The value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including HSS funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate must include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 points). Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For HSS Program Applications, Coordination with the State and/or Local Welfare Plan* (4 Points). Provides evidence that your proposed HSS program has been coordinated with and supports the PHA's efforts to increase resident homeownership and is coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points). Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(E) *Application Selection Process for Neighborhood Networks Centers.*

(1) Three types of reviews will be conducted: A screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 70 is required to be considered for funding.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. NN funds may not be transferred to any other funding category within this NOFA.

(3) *Factors for Award Used to Evaluate and Rate NN Applications.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The

maximum number of points available for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A NN application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed NN program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, technology-oriented training, community-based job training, telecommunications, or other computer services (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident use of technology, computer instruction, or other computer services you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants or programs: Family Self Sufficiency; Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; housing choice voucher homeownership program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the need of public housing residents for computer technology. You will be evaluated on the extent to which you document your proposed activities in this area. In responding to this factor, you will be evaluated on:

(1) *A Needs/Goals Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document. To obtain maximum points for NN applications, this document must contain statistical data that provides:

(a) A profile of the eligible residents to be served by your NN center and its programs;

(b) Specific information on activities and programs to be undertaken as part of the NN center including job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, youth and afterschool programs and other proposed activities;

(c) An assessment of the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(d) A description of the goals and objectives of the NN center.

(2) *Level of Priority in Consolidated Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed NN program; the soundness of your plan to evaluate the success of your proposed NN program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address Neighborhood Networks needs in the proposed area.* (10 Points) The score

under this subfactor will be based on the viability and comprehensiveness of your strategies to address electronic information needs.

Your application must describe how the Neighborhood Networks Center or its conversion to Neighborhood Networks will address job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, and youth and after-school programs.

(2) *Budget Appropriateness/Efficient Use of Grant.* (10 Points) The score in this factor will be based on the following:

(a) *Detailed Budget Break-Out.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A. Your application must include Chart C: Summary of Budget Line Items, for your proposed activities, and Chart D: Budget Work Plan Summary.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 15 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(d) *Reasonableness of the Timetable.*

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed NN program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(3) *Program Assessment.* (10 Points) The score in this factor will be based on the soundness of your plan to evaluate the success and sustainability of your proposed NN program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program. Your application should track specific measurable achievements for the use of program funds, such as number of residents using proposed computer related services/programs being offered by the NN. Each applicant must describe how the existing computer center or proposed computer center will become a Neighborhood Networks Center and be self-sustaining after the proposed grant period has been completed.

(4) *Resident and Other Partnerships* (10 Points).

(a) *Resident Involvement in NN Program Activities* (4 Points) The score in this factor will be based on the extent of resident involvement in developing and planning for your proposed NN program as well as the extent of proposed resident involvement in implementing your proposed NN program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed NN program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. Your application should include local partnerships in support of NN activities such as job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, and youth and after school programs. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities/management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and (iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points) For NN applicants, the score in this factor will be based on the extent of coordination between your proposed NN program and any existing or proposed programs within your jurisdiction. To receive points, at a minimum, you must have a narrative description of this collaboration.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the NN grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including NN funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate must include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 points). Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For NN Program Applications, Coordination with the State and/or Local Welfare Plan* (4 Points). Provides evidence that your proposed NN program has been coordinated with and supports the PHA's efforts to reduce welfare dependency coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points). Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the technology needs of public housing residents.

(F) *Application Selection Process for Service Coordinators.*

Applicants for Service Coordinators are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section IV of this program section of the SuperNOFA.

If all funds are not awarded in RMBD, CB, HSS, or SC funding categories, funds will be transferred to RSDM funding categories in this competition.

VI. Application Submission Requirements

(A) *All Applications.* All applications for assistance under the ROSS competition for all funding categories must include the forms, certifications and assurances listed in Section IV of the General Section of the SuperNOFA (collectively referred to as the ''standard forms''). These forms are:

SF–424, Application Federal Assistance;

HUD–424M, Federal Assistance Funding Matrix;

SF–424A, Federal Assistance Budget Information—Non Construction;

SF–424B, Assurances for Non-Construction Programs;

HUD Form 50070, Drug-Free Workplace Certification;

HUD Form 50071, Certification of Payments to Influence Federal Transactions, and if applicable SF-LLL, Disclosure of Lobbying Activities;

HUD Form 2880, Applicant/Recipient Disclosure/Update Report;

HUD Form 2991, Certification of Consistency with the Consolidated Plan;

HUD Form 2992, Certification of Debarment and Suspension;

HUD Form 2993, Acknowledgment of Application Receipt.

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA.

All applicants must include the following information regardless of the category under which they are applying for funds.

(1) ROSS Application Cover Sheet;

(2) ROSS Fact Sheet;

(3) ROSS Program Summary;

(4) Certification of Consistency and Compliance with General SuperNOFA Program Requirements;

(5) Match Requirement. (a) You must supplement grant funds with an in-kind and/or cash match of not less than 25 percent of the grant amount. This match does not have to be a cash match. The match may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (but not ROSS funds); funds from any State or local government sources; and funds from private contributions. Any services, such as childcare or mentoring, conducted by elderly or persons with disabilities residents who are not TANF participants, will not be counted toward your match requirement. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for self-sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(b) You must demonstrate that the cash or in-kind resources and services, which you will use as match amounts (including resources from a Comprehensive Grant, other governmental units/agencies of any type, and/or private sources, whether for-profit or not-for-profit), are firmly committed and will support the proposed grant activities. ''Firmly committed'' means there must be a written agreement to provide the resources and services signed by an official legally able to make commitments on behalf of the organization that specifies the cash and/or in-kind assistance to be provided. If offering in-kind assistance, the letter must provide an estimated dollar value for the in-kind services. The written agreement may be contingent upon your receiving a grant award. The following are guidelines for valuing certain types of in-kind contributions:

(i) The value of volunteer time and services shall be computed at a rate of six dollars per hour except that the value of volunteer time and services involving professional and other special skills shall be computed on the basis of the usual and customary hourly rate paid for the service in the community where the activity is located; and

(ii) The value of any donated material, equipment, building, or lease shall be computed based on the fair market value at time of donation. Such value shall be documented by bills of sale, advertised prices, appraisals, or other information for comparable property similarly situated not more than one-year old taken from the community where the item or activity is located, as appropriate. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(B) *RMBD Applications.* Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. A threshold review, and not application submission requirements, will be used for determining eligibility for first-come first serve funding.

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–9 are threshold requirements used to determine awards for this category; item 10 and its

subsections will be used for grant administration):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, food stamp programs, or tribal welfare programs.

(2) Your application must contain a signed Memorandum of Understanding (MOU) between the RA and the PHA or the RO/RMC and the Tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum must identify the principal parties (*i.e.* the name of the PHA or tribe/TDHE and RA or RO, the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the RA or RO and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the RA or RO and PHA or tribe/TDHE upon submission of the application.

(3) Accessible Community Facility. You must provide written evidence (*e.g.* through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of the program section of this SuperNOFA.

(5) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. Those tribes/TDHEs that HUD has determined to have difficulty in managing grants will be required to provide a written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA or tribe/TDHE, the Contract Administration responsibilities can be incorporated into the MOU discussed above.

(6) Except for Tribes/TDHEs, if you are a RA/RC/RMC/CWRO you must include evidence that your organization is registered with the State as a nonprofit corporation at the time of application submission or has section 501(c) status with the United States Internal Revenue Service at the time of application. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (*i.e.* Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(7) Certification of Resident Council Board Elections. If you are a Resident Organization, you must submit certifications of the RA/ROs board election as required by HUD, signed by the local PHA or tribe/TDHE and/or an independent third party monitor and notarized.

(8) List of RAs, ROs or Indian housing residents participating with the City-Wide Resident Organization (CWRO) or tribe/TDHE. You must list in your application, the name(s) of RAs or ROs that will receive services and you must submit letters of support from each RA or RO identified in your application. Your application must describe the Indian housing residents to be served by proposed grant activities.

(9) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(10) The following are application submission requirements and will not be used for determining eligibility for first-come first serve funding:

(a) Explanations for proposed grant activities must be provided by narrative statements or descriptions;

(b) Resident Management and Business Development grant applications must include a narrative description (two page limit) describing the activities that you will carry out with RMBD grant funds. Your description must include specific goals, objectives and program strategies that will result in successful transition of residents from welfare to work or other proposed grant activities;

(c) Your RMBD application must provide information about the RA or RO, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—RMBD Program Staffing
Chart B—RMBD Applicant/ Administrator Track Record
Chart C—Summary RMBD Budget line Items

(d) You must provide a summary of a proposed work plan to carry out proposed grant activities. This work plan must include tasks, budgeted amounts, and dates for all activities during the grant period.

Chart D—Budget Workplan Summary.

(C) *Applications for Capacity Building.* All applications for funding under this funding category must contain the following documents and information. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for funding. (Please note that items 1–6 are threshold requirements for a threshold review that will be used to determine awards for this category; items 7–11 will not be used to select awardees):

(1) Except for Tribes/TDHEs applicants, you must provide evidence that your organization has registered with the State as a nonprofit corporation or has 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

(2) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(3) In CB applications, you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and you must submit letters of support from each entity identified in your application.

(4) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or part 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(5) Your application must contain a signed Memorandum of Understanding (MOU) between the RA or RO and PHA or tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum, must identify the principal parties (i.e. the name of the PHA or tribe/TDHE and IRO/nonprofit , the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the IRO/nonprofit and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the IRO/nonprofit and PHA or tribe/TDHE upon submission of the application.

(6) You must provide written evidence (e.g. through an executed space use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that proposed CB activities or training will take place. The community facilities must be within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used to determine eligibility for first-come first serve funding.

(7) Explanations for proposed grant activities must be provided by narrative statements or descriptions as well as the forms indicated below.

(8) Needs Assessment. For the CB grant applications you must provide a narrative description of proposed activities that addresses the following information:

(a) A description of the geographic boundaries of the RAs, ROs, RMCs, or tribes/TDHEs included in the application;

(b) A description of the public or Indian housing community;

(c) A detailed description of the issues or problems involved with each RA or RO to be served by the grant; and

(d) The resources that are currently being devoted to the problem or issue under consideration.

(9) Proposed Program Activities. CB grant applications must include a narrative description describing the activities that you will carry out with CB grant funds. Your description must include specific goals, objectives and program strategies that will result in successful proposed grant activities;

(10) Experience and Staffing. Your CB grant application must provide information about the your organization, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—CB Program Staffing

Chart B—CB Applicant/Administrator Track Record

Chart C—Summary CB Budget Line Items

(11) Budget and Cost Information. You must provide a summary of your proposed work plan to carry out your proposed grant activities. The work plan must include tasks/activities, budgeted amounts, and start and end dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(D) Application Submission Requirements for Resident Service Delivery Models. All applications for funding under this funding category must contain the following documents and information (Please note that items 1–10 are threshold requirements for a threshold review and responses to factors of award will be used to determine scoring of rating and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, food stamp programs or tribal welfare programs.

(2) Elderly and/or Persons with Disabilities Housing Development Certification. A certification that at least 25 percent of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.

(3) Accessible Community Facility. You must provide evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA or tribe/TDHE. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(6) Except for PHA's or tribes/TDHEs, you must provide either a signed certification from HUD or an

Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide evidence that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA, the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(7) Applicant Non-Profit Status. Except for PHAs or tribes/TDHEs, you must provide evidence that the applicant is registered with the State as a nonprofit corporation or has 501(c) status with the United States Internal Revenue Service at the time of application submission. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(8) Certification of Resident Council Board Elections.

(9) List of RAs or ROs Receiving Support. In RSDM applications you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and must submit letters of support from each entity identified in your application.

(10) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Chart C—Summary Budget line Items
Chart D—Budget Workplan Summary
Factor 3—Soundness of Approach;
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan

(E) *Application Submission Requirements for Homeownership Supportive Services.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–5 are threshold requirements for a threshold review and responses to factors of award will be used to determine scoring of rating and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Your application must provide evidence that the targeted population of public housing residents to be served by the proposed grant (a) were beneficiaries of a previously awarded ROSS grant between FY 1999 and FY 2000, or a state or local self-sufficiency program, (b) participates in a public housing family self-sufficiency program funded from operating subsidies, (c) had increases in earned income of at least 35% over a base year, and (d) achieved a level of income that is within the acceptable range of the local minimum income required for the purchase of a home in the local area.

(3) You must provide evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA) that a majority of the proposed activities will be administered at accessible community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(5) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(6) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing.
Chart B—Applicant/Administrator Track Record.
Factor 2—Need/Extent of the Problem;
Factor 3—Soundness of Approach;
Chart C—Summary Budget line Items.
Chart D—Budget Work plan Summary.
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan.

(F) *Application Submission Requirements for Neighborhood Networks Centers.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–5 are threshold requirements that will be used for a threshold review and responses to factors of award will be used to determine scores for rating and ranking for this category;);

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Accessible Community Facility. You must provide written evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(3) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of the program section of this SuperNOFA.

(4) You must have an approved financial management system and procurement procedures. As evidence of your approved financial management or procurement system, you must provide

a copy of your latest audit report indicating that there are no deficiencies in either area and that your financial management system and procurement procedures fully comply with 24 CFR part 85. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition. The following are application submission requirements and will not be used for determining eligibility for funding.

(6) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Factor 3—Soundness of Approach;
Chart C—Summary Budget line Items
Chart D—Budget Work plan Summary
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan.

(G) *Application Submission Requirements for Public Housing Service Coordinators for the Elderly and Persons with Disabilities.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–2 are threshold requirements for a threshold review to be used to determine renewal funding for this category):

(1) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(2) SC Request Letter Format.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for renewal funding.

(3) Evidence of comparable salaries in local area; and

(4) Lead Agency letter format (if appropriate);

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this ROSS funding will be categorically excluded under 24 CFR 58.34(a)(3) or (a)(9), 58.35(b)(2) or (b)(4), 50.19(b)(3), (b)(9), (b)(12), or (b)(14). An applicant proposing any long-term leasing, or physical development activities is prohibited from rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) If the grantee is not a PHA or tribe/TDHE, HUD has completed an environmental review to the extent required by 24 CFR part 50, prior to grant award.

(2) If the grantee is a PHA or tribe/TDHE, HUD has approved the grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with § 58.11 to perform the environmental review itself under part 50, HUD has completed the environmental review.

IX. Authority

Section 34 of the U.S. Housing Act of 1937 and 24 CFR 964.

Appendix B

The non-standard forms, which follow, are required for the ROSS application.

BILLING CODE 4210–32–P

APPENDIX A

ROSS PERFORMANCE MEASURES FOR THE FY 2002 ROSS NOFA

ROSS Funding Category	OUTPUTS	PERFORMANCE MEASURE (S)	OUTCOMES
RMBD	Deliver training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increased capacity and skills
	Develop Business Plans	• Number of business plans completed	Generate new business opportunities
	Deliver technical assistance	• Number of technical assistance sessions completed	Increased management and leadership skills
	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Increased resident opportunities in local welfare to work and other self sufficiency programs
CB	Complete training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increase resident participation and involvement
RSDM	Deliver training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increased capacity and skills
	Complete training related to entrepreneurship	• Number of training sessions completed • Number of Business plans completed	Increase knowledge, skills or capacity
	Establish a Revolving Loan Fund	• Number of loans made • Status of loans made (i.e., current, outstanding, paid-off, delinquent)	Increased access to financing and resources
	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Increased resident opportunities in local welfare to work and other self sufficiency programs

ROSS Funding Category	OUTPUTS	PERFORMANCE MEASURE (S)	OUTCOMES
HSS	Deliver Homeownership Counseling	• Number of residents recruited or enrolled; • Number of homeownership counseling sessions held; • Number of residents completing homeownership counseling; • Number of residents moving from renting to homeownership.	Movement from self sufficiency programs to homeownership
NN	Deliver Computer Technology and Support	• Number of computer technology centers established; • Number of computer technology centers upgraded; • Number of residents using technology center.	
SC	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Improved quality of life for elderly residents and persons with disabilities

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Table of Contents _____ _____
- ❑ Application Checklist _____ _____
- ❑ Application for Federal Assistance (Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information—Non-Construction Programs (Form SF-424A) _____ _____
- ❑ Assurances—Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____
- ❑ RMBD Certification on Residents Affected by Welfare Reform _____ _____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE	_____	_____
❑ Accessible Community Facility - Executed Use Agreement	_____	_____
❑ Match Agreements – Not less than 25% of grant requested	_____	_____
❑ Certification of Compliance with 24 CFR Part 84 **or** Contract Administrator Signed Statement (not tribes/TDHEs)	_____	_____
❑ Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation **or** Good Standing from the State or Copy of IRS 501 (c) designation (not tribes/TDHEs)	_____	_____
❑ Certification of Resident Council Board Election	_____	_____
❑ List of RAs To Receive Support **and** Letters of Support from RAs	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements) --A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities. --A firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities funded under this competition.	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 2: Program Description and Budget

- ❑ Program Activities Description—Narrative _____ _____
- ❑ Your Resident Organization and it's History—Narrative _____ _____
- ❑ Chart A: RMBD Program Staffing _____ _____
- ❑ Resumes or summary of proposed staff's qualifications _____ _____
- ❑ Chart B: RMBD Applicant/Administrator Track Record _____ _____
- ❑ Chart C: RMBD Summary Budget Line Items _____ _____
- ❑ Summary of Proposed Work Plan _____ _____
- ❑ Chart D: RMBD Budget Work Plan Summary, Parts I and II _____ _____

TAB 3: Other Certifications and Assurances (See Part VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (B) (1-9) and SuperNOFA, General Section II.) *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE	_____	_____
3. Accessible Community Facility - Executed Use Agreement or MOU	_____	_____
4. Match Agreements	_____	_____
5. *Certification of Compliance with 24 CFR Part 84 **or** Contract Administrator Signed Statement	_____	_____
6. *Proof of Applicant Nonprofit Status (State **or** IRS)	_____	_____
7. Certification of Resident Council Board Election	_____	_____
8. List of RAs to Receive Support and Letters of Support From RAs (CWRO applicants only)	_____	_____
9. Physical Improvements--Description, Budget, Timetable, and Firm Commitments for Service Provision (Only for applicants proposing physical improvements)	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. Your RMBD application must contain the following written certification that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RMBD CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RMBD grant.

_____

_____

_____

This proposed RMBD grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of the residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ ,2002.

By: _____
President of Resident Organization or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

7. Certification of Resident Council Board Election. You must submit certification of the Resident Organization board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

CERTIFICATION OF RESIDENT COUNCIL BOARD ELECTION

I CERTIFY that _____
(name of organization)

located in _____ has duly elected
(city & state)

all of the Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations, Part 964.

Date of Last Resident Council Board Election: _____.

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

_____
NOTARY (Signature & Date)

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FY 2002 Resident Management and Business Development Applicant: _____

List of Resident Associations Participating with the City-Wide Resident Organization

(Only City-Wide Resident Organization Applicants Need to Complete and Submit this Chart)

Name of the Resident Association	Contact Person	Address, City & State	PHA/Tribe

HUD-2002-ROSS (02/02)

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Chart A: RMBD Program Staffing **Applicant Name:** _____

I. Applicant (RA or CWRO)				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACT ADMINISTRATOR		
Contract Administrator to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

III.CONSULTANT(S)/TRAINERS/SVC. PROVIDERS/OTHER EXPERTS		
Consultants/Trainers to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

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Chart B: RMBD Applicant/Administrator Track Record

Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Drawn Down	Major Goal #1	% Complete	Major Goal #2	% Complete

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

CHART C
RMBD BUDGET LINE ITEM SUMMARY

Applicant Name:_____ **Date:**_____

Please check the following as appropriate for your proposed program.

Resident Management and Business Development

_____	**1010**	**Physical Improvements**
_____	**1020**	**Resident Business Development**
_____	1021	Develop Business Plan
_____	1022	Conduct Market Analysis
_____	1023	Licensing, Insurance Bonding
_____	1024	Training Related to Resident Owned Business
_____	1025	Establishment of Resident Managed Business Development
_____	1026	Technical Assistance
_____	**1030**	**Resident Organization Development Activities**
_____	1031	Organize Community
_____	1032	Operating Procedures
_____	1033	Develop MOU
_____	1034	Develop Plan for Technical Assistance
_____	1035	Consultant Contracts
_____	1036	Self Sufficiency Programs
_____	**1040**	**Resident Management**
_____	1041	Conduct Feasibility Study
_____	1042	Secure Training/Skills/Expertise
_____	1043	Develop MOU
_____	1044	Secure T/A to Draft Contract
_____	1045	Negotiate Contract with PHA
_____	1046	Conduct Resident Training/Preparation
_____	**1050**	**Self Sufficiency Program**
_____	1051	Employment and Job Readiness
_____	1052	Job Training
_____	1053	Management Related Employment Training
_____	1054	Vocational Training
_____	1055	Technical Assistance
_____	**1060**	**Supportive Services**
_____	**9100**	**Travel Costs**
_____	**9200**	**Other Resident Costs (Stipends, Reimbursements)**
_____	**9300**	**Contract Administrator**
_____	**9400**	**Administrative and Other Costs**

See Appendix X for Narrative Descriptions

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Chart D: RMBD Budget Workplan Summary - Part I **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1010 Physical Improvements **TOTAL: $**				
1020 Resident Business Dev. **TOTAL: $**				
1021 Develop Business Plan				
1022 Conduct Market Analysis				
1023 Licensing, Insurance, Bonding				
1024 Training Related to Resident Owned Business				
1025 Establishment of Resident Managed Business Dev.				
1026 Technical Assistance				

OMB Approval No. 2577-0221

Chart D: RMBD Budget Workplan Summary – Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1030 Resident Org. Dev. Activities **TOTAL: $**				
1031 Organize Community				
1032 Operating Procedures				
1033 Develop MOU				
1034 Develop Plan for Technical Assistance				
1035 Consultant Contracts				
1036 Self Sufficiency Programs				
1040 Resident Management **TOTAL: $**				

OMB Approval No. 2577-0221

Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1041 Conduct Feasibility Study				
1042 Secure Training/Skills/Expertise				
1043 Develop MOU				
1044 Secure T/A to Draft Contract				
1045 Negotiate Contract with PHA				
1046 Conduct Resident Training/ Preparation				
1050 Self Sufficiency Program **TOTAL: $**				

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Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1051 Employment and Job Readiness				
1052 Job Training				
1053 Management Related Employment Training				
1054 Vocational Training				
1055 Technical Assistance				
1060 Supportive Services **TOTAL: $**				
9100 Travel Costs **TOTAL: $**				
9200 Other Resident Costs (Stipends, Reimbursements) **TOTAL: $**				

OMB Approval No. 2577-0221

Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
9300 Contract Administrator **TOTAL: $**				
9400 Admin. and Other Costs **TOTAL: $**				

Chart D: RMBD Budget Workplan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RMBD GRANT TOTAL
1010 Physical Improvements	$
1020 Resident Business Development	$
1030 Resident Organization Development Activities	$
1040 Resident Management	$
1050 Self Sufficiency Program	$
1060 Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RMBD Funds Requested	$

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3)

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972, Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for forms in this tab.)

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❑ Federal Assistance Funding Matrix (Form HUD-424M)	_____	_____
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❑ Assurances—Non-Construction Programs (Standard Form SF-424B)	_____	_____
❑ ROSS Fact Sheet	_____	_____
❑ ROSS Program Summary	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

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ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____
- ❑ Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **or** Copy of IRS 501(c) designation (not for tribes/TDHEs) _____ _____
- ❑ Match Agreements -- Not less than 25% of grant requested _____ _____
- ❑ List of RAs to Receive Support and Letters of Support from RAs _____ _____
- ❑ Certificate of Compliance with either 24 CFR Part 84 **or** Contract Administrator Signed Statement (not for tribes/TDHEs) _____ _____
- ❑ MOU between Applicant and PHA/tribe/TDHE _____ _____
- ❑ Accessible Community Facility – Description or Executed Use Agreement _____ _____

TAB 2: Program Description and Budget

- ❑ Needs Assessment Report _____ _____
- ❑ Proposed Program Activities Description _____ _____
- ❑ Experience and Staffing—Narrative _____ _____
- ❑ Chart A: CB Program Staffing _____ _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Resumes **or** Summary of Proposed Staff's Qualifications	_____	_____
❑ Chart B: Applicant Track Record	_____	_____
❑ Work Plan Summary	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Workplan Summary, Parts I and II	_____	_____

TAB 3: Other Certifications and Assurances
(See Part VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____

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ROSS FY 2002 FUNDING CAPACITY BUILDING

THRESHOLD CHECKLIST

Applicant:_____ **Date:**_____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See ROSS NOFA, Section VI (A) & (C) and General SuperNOFA Section II). *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. *Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **or** Copy of IRS 501(c) designation	_____ _____	
2. Match Agreements—Not less than 25% of grant requested	_____	_____
3. List of RAs to Receive Support **and** Letters of Support from RAs	_____	_____
4. *Certificate of Compliance with either 24 CFR Part 84 **or** Contract Administrator Signed Statement	_____	_____
5. MOU between Applicant and PHA/tribe/TDHE	_____	_____
6. Accessible Community Facility – Description or Executed Use Agreement	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
CAPACITY BUILDING

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family CB application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. □

CB CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed CB grant.

_____

_____

_____

This proposed CB grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

FY 2002 Capacity Building **Applicant:** _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City & State	Housing Authority/Tribe

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Chart A: CB PROGRAM STAFFING Applicant Name: _____

I. APPLICANT				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACTOR ROLE		
Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

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Chart B: CB Applicant Track Record

Applicant: _____

Program	Project Number	% of Term Complete	% of Funds Drawn Down	Major Goal #1	Percent Complete	Major Goal #2	Percent Complete

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CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building) **Applicant Name:**

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9300 Contract Administrator **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

HUD-2002-ROSS (02/02)

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CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building) Applicant Name:

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9300 Contract Administrator **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

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CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
9100 Travel Costs TOTAL: $				
9300 Contract Admin. TOTAL: $				
9400 Administrative Costs TOTAL: $				

Chart D: CB Budget Work Plan Summary - Part II (Capacity Building)

Please insert below the totals for each Summary Budget Line Item to be included in your **Capacity Building** grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	CB GRANT TOTAL
3000 Capacity Building Activities	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all Capacity Building Funds Requested	$

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( )_____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

TOTAL _____ _____

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification on Resident Affected by Welfare Reform (Family RSDM Applicants Only)	_____	_____
❑ Elderly Housing Development Certification (Elderly RSDM Applicants Only)	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
❑ Certificate of Compliance with either 24 CFR Part 84 or 85 **or** Contract Administrator Signed Statement (not for Tribes/TDHEs or non-troubled PHAs)	_____	_____
❑ Proof of Nonprofit Status (RA, IRO, and Nonprofit Applicants Only). IROs must have 501 (c) status.	_____	_____
❑ Certification of Resident Council Board Election (RA Applicants Only)	_____	_____
❑ List of RAs to Be Served and Letters of Support from RAs	_____	_____
TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)		
❑ Chart A: Program Staffing	_____	_____
❑ Narrative on proposed staffing and coordination among service providers	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Chart B: Applicant/Administrator Track Record	_____	_____
❑ Organization Chart	_____	_____
❑ Staff Position Descriptions	_____	_____
❑ Staff Resumes or Background/ Experience Descriptions	_____	_____
❑ Narrative on program administration and fiscal management structure	_____	_____
TAB 3: Needs/Extent of Problem (Factor 2)		
❑ Needs Assessment Report	_____	_____
❑ Narrative on level of priority in Consolidated Plan/IHP	_____	_____
TAB 4: Soundness of Approach (Factor 3)		
❑ Narrative describing proposed services	_____	_____
❑ Narrative on resident contracting and employment	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
❑ Narrative on program assessment	_____	_____
❑ Narrative on resident involvement and other partnerships	_____	_____
❑ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources (Factor 4)		
❑ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 6: Coordination, Self-sufficiency, and Sustainability (Factor 5)

- ❑ Narrative demonstrating review of Consolidated Plan/IHP _____ _____
- ❑ Narrative on coordination w/ State/local welfare plan _____ _____
- ❑ Narrative on coordination with other activities _____ _____
- ❑ Certification of Consistency w/ the Consolidated Plan _____ _____
- ❑ Certification of Consistency w/ the Indian Housing Plan (Tribes/TDHEs only) _____ _____

TAB 7: Bonus Points

- ❑ EZ/EC Certification _____ _____

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Elderly Housing Development Certification (Elderly applicants only)	_____	_____
3. Accessible Community Facility Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
4. Match Agreements	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
6. Certification of Compliance with either 24 CFR Part 84 or 85 **or** Contract Administrator Signed Statement (not for Tribes/TDHE or non-troubled PHAs)	_____	_____
7. Proof of Applicant Nonprofit Status (RA, IROs, and non- profit applicants only)	_____	_____
8. Certification of Resident Board Election (RA applicants only)	_____	_____
9. List of RAs to be Served and Letters of Support from RAs	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family RSDM application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

RSDM CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RSDM grant.

_____

_____

_____

This proposed RSDM grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities.

RSDM ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that _____% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities at the time of the application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

7. Certification of Resident Board Election. RA applicants must submit certification of the RA board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

Certification of Resident Council Board Election

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations (CFR), Part 964.

Date of Last Resident Council Board Election: _____

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

NOTARY (*Signature & Date*) _____

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FY 2002 Resident Service Delivery Models Applicant: _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City, & State	Housing Authority/Tribe

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

Chart A: RSDM PROGRAM STAFFING

Applicant Name:

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart B: RSDM Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Chart C
RSDM SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator** (family or elderly)	_____
2010	**Physical Improvements**	_____
2020	**Entrepreneur Business Development**	_____
2021	Establishing A Revolving Loan Fund	_____
2022	Developing a Credit Union	_____
2030	**Business Development**	_____
2031	Develop Business Plan	_____
2032	Conduct Market Analysis	_____
2033	Secure Licensing, Insurance, Bonding	_____
2034	Training Related to Resident Owned Business	_____
2035	Establishment of Resident Managed Business Development	_____
2040	**Resident Organization Development Activities**	_____
2041	Organize Community	_____
2042	Operating Procedures	_____
2043	Develop MOU	_____
2044	Develop Plan for Technical Assistance	_____
2045	Consultant Contracts	_____
2046	Self Sufficiency Programs	_____
2050	**Resident Management**	_____
2051	Conduct Feasibility Study	_____
2052	Secure Training/Skills/Expertise	_____
2053	Develop MOU	_____
2054	Consultant	_____
2055	Secure T/A to Draft Contract	_____
2056	Negotiate Contract with PHA	_____
2057	Conduct Resident Training Preparation	_____

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SUMMARY BUDGET INFORMATION (continued)

2060	**Self Sufficiency Program**	_____
2061	Program Coordinator	_____
2062	Physical Improvements	_____
2063	Employment and Job Readiness	_____
2064	Job Training	_____
2065	Management Related Employment Training	_____
2066	Vocational Training	_____
2067	Technical Assistance	_____
2070	**Family Supportive Services**	_____
2870	**Elderly Supportive Services**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

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CHART D: RSDM Budget Work Plan Summary – Part I

Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
2020 Entrepreneur Bus. Dev. TOTAL: $				
2021 Establish a Revolving Loan Fund				
2022 Develop a Credit Union				
2030 Business Development TOTAL: $				
2031 Develop Business Plan				
2032 Conduct Market Analysis				
2033 Secure Licensing, Insurance, Bonding				

HUD-2002-ROSS (02/02)

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2034 Training Related to Resident Owned Business				
2035 Establishment of Resident Managed Business Development				
2040 Resident Organization Development Activities TOTAL: $				
2041 Organize Community				
2042 Operating Procedures				
2043 Develop MOU				
2044 Develop Plan for Technical Assistance				

CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2045 Consultant Contracts				
2046 Self Sufficiency Programs				
2050 Resident Management TOTAL: $				
2051 Conduct Feasibility Study				
2052 Secure Training/Skills/ Expertise				
2053 Develop MOU				
2054 Consultant				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2055 Secure T/A to Draft Contract				
2056 Negotiate Contract with PHA				
2057 Conduct Resident Training Preparation				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				

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CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2005 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

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CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL : $				

Chart D: RSDM Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RSDM GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
2020 Entrepreneur Business Development	$
2030 Business Development	$
2040 Resident Organization Development Activities	$
2050 Resident Management	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2870 Elderly Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RSDM Funds Requested	$

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

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CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

HUD-2002-ROSS (02/02)

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Homeownership Supportive Services**
_____ **Neighborhood Networks**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

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ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
SERVICE COORDINATORS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive or Other Authorized Representative

For Applicant: _____

Use this checklist to review your package and insure all materials are properly completed and included. **Submit a copy of this form with your application.**

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for some forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Lead agency letter form (if applicable) _____ _____
- ❑ Evidence of Comparable Salaries in Local Area _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424-M) _____ _____
- ❑ Assurances—Non-Construction Programs (Standard Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ Chart A: Summary Budget Line Items _____ _____

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ROSS FY 2002 FUNDING
SERVICE COORDINATORS

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 1: Threshold Requirements		
❑ Request Letter	_____	_____
❑ Match Agreements – Not less than 25% of the grant requested	_____	_____

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ROSS FY 2002 FUNDING SERVICE COORDINATORS

REQUEST LETTER FORMAT

Dear _____ Date:_____
Director, Public Housing

The following is my request for a one-year Service Coordinator renewal grant. I am requesting a total grant amount of $_____.

I. APPLICANT AND DEVELOPMENT(S)

1. PHA name and address:

2. Development name(s) and address(s):

_____

_____

_____

3. Development number(s) and Congressional District(s):

_____

_____

_____

4. Did you have a FY 1995 Elderly Service Coordinator grant? ___Yes ___No.

II. DEVELOPMENT INFORMATION

1. Total Number of Units Occupied by the Elderly and/or Persons with Disabilities: ___.

2. Total Number of Residents: ___.

3. Estimated Number Frail Elderly and Persons with Disabilities: ___.

4. Estimated Number At-Risk Elderly: ___.

5. Applicant will contract out for a Service Coordinator. ___Yes ___No

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6. Development will share a Service Coordinator with other development(s) or applicant(s). ___Yes ___No

   If yes, please give name and address of the development(s) and applicant(s), if different.

   _____

   _____

   _____

7. Total number of Service Coordinators to be funded by the grant funds: ___.

III. COSTS

FY 2002 award amounts cannot be higher than the applicant's highest funding and staffing level approved for a one-year period for the applicant's last funded Service Coordinator grant. An increase of up to 2% will be allowed if supported by a narrative justification attached to this Request Letter.

1. **Salary Rate**

   a. Determine the base salary level, looking at comparable positions (modified by number of hours worked).

      Base salary level $_____

   b. Fringe benefits

      % of base salary _____%

      Dollar value $_____

   c. Salary rate

      $_____ + $_____ = $_____
      base salary fringe benefits salary rate

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III. COSTS (continued)

2. **Administrative Costs**

Any administrative costs may amount to no more than 20% of the total grant.

Item	Amount
_____	$_____
_____	$_____
_____	$_____
Total:	$_____

3. **Total Cost**

One-year total costs:

Allowable administrative costs	$_____ +
Annual salary rate	$_____ =
Total Cost	$_____ .

Please distribute the TOTAL Amount Requested by the following Budget Line Items:

Service Coordinators

_____ **9810**	**Administrative Costs**
_____ **9820**	**Other Program Expenses**
_____ **9830**	**Training**
_____ **9840**	**Salaries**
_____ **9850**	**Fringe**
_____	**TOTAL**

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____	_____	_____
Signature	Typed Name	Title

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ROSS FY 2002 FUNDING
SERVICE COORDINATORS

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one public housing agency is proposing to share a service coordinator, one agency **must** designate itself the "lead." This agency must submit a letter following this format on organization letterhead, signed by an authorized person.

Dear _____ _____
Director, Public Housing Date

The following PHAs are jointly submitting a single Service Coordinator application:

_____

_____

This request includes _____ (specify the number) developments, which will share a Service Coordinator. The developments are:

Development Name and Address	Amount Requested ($)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The completed requests from each of these ___(specify number)____ applicants are attached to this letter.

Sincerely,

_____
Signature

_____
Typed Name

_____
Title

HUD-2002-ROSS (02/02)

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification of Residents Affected by Welfare Reform	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____
❑ Certification of Compliance with 24 CFR Part 85	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)		
❑ Chart A: Program Staffing	_____	_____
❑ Narrative on proposed staffing and coordination among service providers	_____	_____
❑ Chart B: Applicant/Administrator Track Record	_____	_____
❑ Organization Chart	_____	_____
❑ Staff Position Descriptions	_____	_____
❑ Staff Resumes or Background/ Experience Descriptions	_____	_____
❑ Narrative on program administration and fiscal management structure	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 3: Needs/Extent of Problem (Factor 2)		
❑ Needs Assessment Report	_____	_____
❑ Narrative on level of priority in Consolidated Plan	_____	_____
TAB 4: Soundness of Approach (Factor 3)		
❑ Narrative describing proposed services	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
❑ Narrative on program assessment	_____	_____
❑ Narrative on resident involvement and other partnerships	_____	_____
❑ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources (Factor 4)		
❑ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____
TAB 6: Coordination, Self-Sufficiency, and Sustainability (Factor 5)		
❑ Narrative demonstrating review of Consolidated Plan	_____	_____
❑ Narrative on coordination w/ State/local welfare plan	_____	_____
❑ Narrative on coordination with other activities	_____	_____
❑ Certification of Consistency w/ the Consolidated Plan	_____	_____
TAB 7: Bonus Points		
❑ EZ/EC Certification	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Accessible Community Facility Description or Executed Use Agreement	_____	_____
3. Match Agreements	_____	_____
4. Certification of Compliance with 24 CFR Part 85	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your NN application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

NN CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed NN grant.

_____

_____

_____

This proposed NN grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____

Applicant Executive Director or other Authorized Representative

For: _____

Applicant Name

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

Chart A: NN PROGRAM STAFFING

Applicant Name: _____

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart B: NN Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

HUD-2002-ROSS (02/02)

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

Chart C
NN SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator**	_____
2010	**Physical Improvements**	_____
3000	**Computer Equipment and Software**	_____
3010	Computer Hardware	_____
3011	Computer Software	_____
3012	Other Equipment	_____
3020	**Training**	_____
3030	**Insurance and Security**	_____
3031	Insurance	_____
3032	Security	_____
3040	**Maintenance**	_____
3050	**NN Business Plan**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

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CHART D: NN Budget Work Plan Summary – Part I Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	NN GRANT FUNDS	NON-NN/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
3000 Computer Equip & Sftwre TOTAL: $				
3010 Computer Hardware				
3011 Computer Software				
3012 Other Equipment				
3020 Training TOTAL: $				
3030 Insurance and Security TOTAL: $				
3031 Insurance				
3032 Security				
3040 Maintenance TOTAL: $				
3050 NN Business Plan TOTAL: $				

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CHART D: NN Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	NN GRANT FUNDS	NON-NN/ PARTNER FUNDS	ACTIVITY START/END DATE
2005 Program Coordinator TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL: $				

Chart D: NN Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	NN GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
3000 Computer Equipment & Software	$
3020 Training	$
3030 Insurance & Security	$
3040 Maintenance	$
3050 NN Business Plan	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all NN Funds Requested	$

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CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Named: _____

Title: _____

Signature: _____

Date: _____

HUD-2002-ROSS (02/02)

Certification of Consistency with the EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of EZ/EC _____

I further certify that the proposed activities/projects will be located within the EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( )_____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

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ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws.** Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By:

_____

Applicant Chief Executive Officer or Other Authorized Representative

For Applicant:

_____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information—Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirement Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification of Residents Affected by Welfare Reform	_____	_____
❑ Certification of previous self-sufficiency program participation, certification of earned income Increase, and acceptable range of local minimum income to purchase a home in the local area.	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement	_____	_____
❑ Physical Improvements	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____

TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)

- ❑ Narrative description of experience of Project Director and Staff
- ❑ Allocation of staff years for activities and personnel of the proposed HSS activities
- ❑ Chart A - Program staffing

Program Administration And Fiscal Management

- ❑ Description of proposed HSS Project Management Structure
- ❑ Description of proposed HSS Fiscal Management Structure

Applicant/Administrator Track Record

- ❑ Narrative description of previous experience in implementing Self-Sufficiency and Homeownership Programs
- ❑ Chart B – Applicant track record

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 3: Needs/Extent of Problem (Factor 2)

- ❑ Needs Assessment Report _____ _____
- ❑ Narrative on level of priority in Consolidated Plan _____ _____

TAB 4: Soundness of Approach (Factor 3)

- ❑ Narrative describing proposed homeownership counseling and supportive services _____ _____
- ❑ Narrative on budget and implementation timetable _____ _____
- ❑ Chart C: Summary Budget Line Items _____ _____
- ❑ Chart D: Budget Work Plan Summary, Parts I and II _____ _____
- ❑ Narrative on program assessment _____ _____
- ❑ Narrative on resident involvement and other partnerships _____ _____
- ❑ Narrative on coordination and collaboration _____ _____

TAB 5: Leveraging Resources (Factor 4)

- ❑ Narrative on the contributions, roles, and responsibilities of each partner _____ _____

TAB 6: Coordination, Self Sufficiency, and Sustainability (Factor 5)

- ❑ Narrative demonstrating review of Cons. Plan _____ _____
- ❑ Narrative on coordination w/ State/local welfare plan _____ _____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Narrative on coordination with other activities	_____	_____
❑ Certification of Consistency w/ the Consolidated Plan	_____	_____

TAB 7: Bonus Points

❑ EZ/EC Certification	_____	_____

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification of Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Certification of previous self-sufficiency program participation, certification of earned income increase, and acceptable range of local minimum income to purchase a home in the local area.	_____	_____
3. Accessible Community Facility Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
4. Physical Improvements	_____	_____
5. Match Agreements	_____	_____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family HSS application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

HSS CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed HSS grant.

_____

_____

_____

This proposed HSS grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

1.) For residents eligible for Homeownership, your application must provide evidence/certification that the targeted population of public housing residents to be served by the proposed grant were beneficiaries of a previously awarded ROSS grant between FY 1999 and FY 2000; eligible population group, 35% earned income and that income is within the range of the income minimum.

_____ Total number of residents (previous participants in ROSS for 1999 or 2000, or other State & Local Self Sufficiency Programs) who will participate in proposed homeownership activities.

Proposed Targeted Residents	Minimum Local Income Level for Homeownership	Base Year	Base Year Income	Current Income	Percentage over Base Year

I certify that the proposed residents to be served are within the eligible population group; have an earned income increase of at least 35% and are within the minimum range of income for Homeownership in my local area.

Signed this _____ day of _____, 2002.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

Chart A: HSS PROGRAM STAFFING

Applicant Name:

I. Applicant Staff

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart A: HSS PROGRAM STAFFING

Applicant Name:

I. Applicant Staff

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart B: HSS Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

HUD-2002-ROSS (02/02)

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

Chart C
HSS SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator**	_____
2060	**Self Sufficiency Program**	_____
2061	Program Coordinator	_____
2062	Physical Improvements	_____
2063	Employment and Job Readiness	_____
2064	Job Training	_____
2065	Management Related Employment Training	_____
2066	Vocational Training	_____
2067	Technical Assistance	_____
2070	**Family Supportive Services**	_____
2080	**Homeownership Counseling Programs**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

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CHART D: HSS Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
2005 Program Coordinator TOTAL: $				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				

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CHART D: HSS Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2080 Homeownership Supportive Svs				
2081 Counseling Services				
2005 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

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CHART D: HSS Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL : $				

Chart D: HSS Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	HSS GRANT TOTAL
2005 Program Coordinator	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2080 Homeownership Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all HSS Funds Requested	$

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTINUUM OF CARE HOMELESS ASSISTANCE

SUPPORTIVE HOUSING

SHELTER PLUS CARE

SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY FOR HOMELESS INDIVIDUALS (SRO)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS—SUPPORTIVE HOUSING PROGRAM (SHP), SHELTER PLUS CARE (S+C), SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

PROGRAM OVERVIEW

Purpose of the Programs. The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing. An important element of meeting this objective is to fund projects that will meet the Department's goal of ending chronic homelessness.

Available Funds. Approximately $950 million.

Eligible Applicants. The chart in the Appendix A to this program section of this SuperNOFA identifies the eligible applicants for each of the three programs under the Continuum of Care.

Application Deadline. June 21, 2002.

Match. Yes.

ADDITIONAL INFORMATION

If you are interested in applying for funding under any of the Continuum of Care Homeless Assistance programs, please review carefully the General Section of the SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original containing the signed documentation and two copies) is due on or before 5:30 PM Eastern time, on June 21, 2002 to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submissions (e.g., mailed applications, express mail, or overnight delivery).

New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEX, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by HUD Headquarters on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of the four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Addresses for Submitting Applications. To HUD Headquarters. Submit your original completed application (the application with the original signed documentation) to: Room 7270, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Attention: Continuum of Care Programs.

To the Appropriate CPD Field Office. Also submit two copies of your completed application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. The HUD Field Office must receive the two copies of your application by the deadline date as well. The determination, however, that your application was received on time will be made *solely on receipt of the application at HUD Headquarters in Washington.* Reviews will be based upon the contents of the application submitted to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929 (voice) or 1–800–HUD–2209 (TTY), or you may download an application by Internet at *http://www.hud.gov.*

For Further Information. You may contact the HUD Field Office serving your area, at the telephone number shown in Appendix A to the General Section of the SuperNOFA, or you may contact the Community Connections Information Center at 1–800–998–9999 (voice) or 1–800–HUD–2209 (TTY) or by Internet at: *http://www.hud.gov.*

For Technical Assistance. Before the application deadline, HUD staff will be available to provide you with general guidance. HUD staff, however, cannot provide you with guidance in actually preparing your application. HUD Field Office staff also will be available to help you identify organizations in your community that are involved in developing the Continuum of Care system. Following conditional selection of applications, HUD staff will be available to assist selected applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of your application pertinent to HUD's funding decision.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

Approximately $950 million is available for this competition in FY 2002. Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards or budget transfers may be used in addition to 2002 appropriations to fund applications submitted in response to this program section of this SuperNOFA. The FY 2002 HUD Appropriation Act requires HUD to obligate all Continuum of Care homeless assistance funds by September 30, 2004. While these funds will remain available for expenditure for five years following that date, any funds that you have not used by September 30, 2009, will cease to be available altogether. In the Continuum programs, obligation occurs upon execution of the grant agreement by HUD and the grantee, or in the Section 8 Moderate Rehabilitation for

Single Room Occupancy program, execution of the Annual Contributions Contract (ACC). If you do not have a fully executed grant agreement or ACC by September 30, 2004, your award will be withdrawn. If you have not used all program funds by September 30, 2009, the funds will be deobligated. This requirement is in conflict with the statutory ten years of funding that is authorized for the Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals program, the Shelter Plus Care/SRO component program and the Shelter Plus Care with Rehabilitation component program. HUD will seek legislative authority to exempt these programs from the statutory mandate that any unexpended balances remaining in an account five years after they cease to be available for obligation are cancelled. If this legislative authority is not passed, project applicants should be aware that remaining funds will be cancelled by September 30, 2009. The funds available for the Continuum of Care program can be used under any of three programs that can assist in creating community systems for combating homelessness. The three programs are:

(1) Supportive Housing;
(2) Shelter Plus Care; and
(3) Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals.

The chart in the Appendix A to this program section of this SuperNOFA summarizes key aspects of the programs, and also provides the citations for the statutes and regulations that authorize these programs. The regulations listed in the chart provide more detailed descriptions of each of the programs.

As in previous funding availability announcements for the Continuum of Care Homeless Assistance Programs, HUD will not specify amounts for each of the three programs this year. Instead, the distribution of funds among the three programs will depend largely on locally determined priorities and overall demand. Local priorities notwithstanding, the FY 2002 HUD Appropriations Act requires that not less than 30 percent of this year's $1.123 billion Homeless Assistance Grants appropriation, excluding amounts provided for one-year renewals under the Shelter Plus Care Program, must be used for permanent housing projects. For the purposes of this 2002 NOFA, HUD is estimating that $118 million of the appropriation will be provided for one-year Shelter Plus Care Program renewals. (See Sections V(A)(5)(b) and V(A)(8) of this program section of the SuperNOFA for additional information.) Since this permanent housing set-aside requirement is expected to continue to be part of future competitions and may affect project funding selections as described below, you are strongly encouraged to begin planning as soon as possible for new permanent housing projects to be included as part of your submission in this and future competitions.

Under the FY 2002 HUD Appropriations Act, eligible Shelter Plus Care Program grants whose terms are expiring in FY2003 and Shelter Plus Care Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in FY 2003 will be renewed for one year provided that they are determined to be needed by the Continuum of Care as evidenced by their inclusion on the priority chart. These projects must also meet the applicant and sponsor eligibility and capacity requirements described in Section V(A)(1) of this NOFA. However, these S+C renewal projects will not count against a continuum's pro rata need amount. On the other hand, no S+C renewal adjustment will be made to a Continuum of Care's pro rata need amount since these projects are being funded outside of the competition. Please be advised that Shelter Plus Care renewal applications which are not submitted as part of either a ''consolidated'' or ''associated'' Continuum of Care application will not be considered as eligible for funding. (See Section VI for a description of the three options for submitting applications.)

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description.

(1) *Developing Continuum of Care Systems.* The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons, especially the chronically homeless, to move to self-sufficiency and permanent housing. The process of developing a Continuum of Care system to assist homeless persons is part of the community's larger effort of developing a Consolidated Plan. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshal its varied resources—community and economic development resources, social service resources, housing and homeless assistance resources—and use them in a coordinated and effective manner. The Consolidated Plan, including the Analysis of Impediments to Fair Housing Choice, serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

In addition to prevention, a Continuum of Care system consists of four basic components:

(a) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

(b) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(c) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(d) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

A Continuum of Care system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations and other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons. To ensure that the Continuum of Care system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans. A Continuum of Care system should address the specific needs of each homeless subpopulation: the jobless, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with co-occurring diagnoses, victims of domestic violence, youth, and any others. The term ''co-occurring diagnoses'' may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types.

Your application is more likely to be given a high score under the Continuum of Care scoring factors if the application demonstrates the achievement of three basic goals:

• That you have provided maximum participation by nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations and other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons.

• That you have created, maintained and built upon a community-wide inventory of housing and services for homeless families and individuals; identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing.

• That you have instituted a Continuum of Care-wide strategy to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless individuals and families may be eligible. These programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program, and Veterans Health Care.

Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the Continuum of Care process in a community has failed to follow locally established or accepted procedures governing the conduct of that process or has failed to provide for a fair process, including a project priority selection process that gives equal consideration to projects proposed by nonprofit organizations, HUD reserves the authority to impose sanctions up to and including a prohibition on that entity and the individuals comprising that entity from participating in that capacity in the future. In making this determination, HUD will consider as evidence court proceedings and decisions, or the determinations of other independent and impartial review bodies. This authority cannot be exercised until after a description of procedural safeguards, including an opportunity for comment and appeal, and the specific process and procedures for imposing a prohibition or debarment, have been published in the **Federal Register**.

In deciding what geographic area you will cover in your Continuum of Care strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your Continuum of Care strategy when measured against the Continuum of Care rating factors described in this program section of the SuperNOFA. When you determine what jurisdictions to include in your Continuum of Care strategy area, include only those jurisdictions that are involved in the development and implementation of the Continuum of Care strategy.

The more jurisdictions you include in the Continuum of Care strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V (A)(5) of this program section of the SuperNOFA). However, it would be a mistake to include jurisdictions that are not fully involved in the development and implementation of the Continuum of Care strategy since this would adversely affect the Continuum of Care score. If you are a rural county, you may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county Continuum of Care strategy covering the combined service areas of these counties.

Since the basic concept of a Continuum of Care strategy is to create a single, coordinated, inclusive homeless assistance system for an area, the areas covered by Continuum of Care strategies should not overlap. If the geography included in your Continuum of Care strategy geographically overlaps to the extent that it competes with another application, projects within the Continuum of Care application that receive the highest Continuum of Care score will be eligible for up to 40 Need points. Projects in the competing Continuum of Care application with the lower Continuum of Care score will be eligible for only 10 Need points. In no case will the same geographical area be used more than one time in assigning Need points. The local HUD Field Office can help you determine if any of the areas proposed for inclusion by your Continuum of Care system is also likely to be claimed under another Continuum of Care system in this competition.

(2) *Prioritizing.* In HUD's view, project priority decisions are best made through a local process, which includes nonprofit organizations, and are key to the ultimate goal of reducing homelessness. Again this year, you must list all projects proposed for funding in priority order from the highest priority to the lowest, and indicate the applicant, project sponsor, and term for each project. Generally, this priority order will mean, for example, that if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first eight eligible projects listed, except as may be necessary to achieve the 30 percent overall permanent housing requirement—in which case higher priority non-permanent housing projects may be skipped over to fund lower priority permanent housing projects. Since you are now able to closely calculate your Continuum of Care's total pro rata need amount using information provided to you from HUD, and now that you no longer need to carry the large cost burden imposed by Shelter Plus Care five-year renewals, the tiering of projects (splitting into two or more projects by year or by units) on your priority list is not permitted.

To promote permanent housing, a special incentive is being provided to Continuum of Care systems that place an eligible, new permanent housing project in the number one priority slot on the priority list. See Section V (A)(5)(b) of this program section of the SuperNOFA for a description of this incentive.

HUD will use this priority list to award up to 40 points per project under the ''Need'' scoring factors. Higher priority projects will receive more points under Need than lower priority projects. A project priority chart is included in the application kit and you should complete and submit it. If you do not submit clear project priority designations for the continuum, or if HUD, at its sole discretion, cannot determine priority designations, then HUD will give all projects the lowest score for Need.

(3) *Project renewals.* If your Supportive Housing or Shelter Plus Care grant will be expiring in calendar year 2003, or if your Shelter Plus Care Program grant has been extended beyond its original five-year term and is projected to run out of funds in FY 2003, you must apply under this Continuum of Care program section of the SuperNOFA to get continued funding.

Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2003. HUD will not fund competitive renewals out of order on the priority list except as may be necessary to achieve the 30 percent overall permanent housing requirement. HUD reserves the authority to use FY 2003 funds, if available, to conditionally select for one year of funding lower-

rated eligible SHP renewal projects that are assigned 40 need points in either a ''consolidated'' or ''associated'' Continuum of Care application receiving at least 20 points under the Continuum of Care scoring factor that would not otherwise receive funding for these projects.

It is important that SHP renewals and Shelter Plus Care non-competitive renewals meet minimum project eligibility and capacity standards identified in this program section of the SuperNOFA or they will be rejected from consideration for either competitive or non-competitive funding.

For the renewal of a Supportive Housing Program project, you may request funding for one (1), two (2) or three (3) years. The total amount of the request cannot exceed the average yearly amount received in total for leasing, supportive services, and/or operations for the grant being renewed, plus up to five percent for administration.

For the renewal of a Shelter Plus Care project, the grant term will be one (1) year, as specified by Congress. For Shelter Plus Care renewals, you may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable current Fair Market Rent(s) by 12 months, except that for Shelter Plus Care grants having been awarded one year of renewal funding in 2001, the number of units requested for renewal this year may not exceed the number of units funded in 2001. While full funding of existing grants may be requested, there is no guarantee that the entire amount will be awarded. As is the case with SHP, HUD will recapture Shelter Plus Care grant funds remaining unspent at the end of the previous grant period when it renews a grant. The one-year term of non-competitively awarded Shelter Plus Care renewal projects may not be extended.

This program section of the SuperNOFA is not applicable to the renewal of funding under the SRO program. For further guidance on SRO renewals, please contact your local HUD Field Office.

As a project applicant, you are eligible to apply for renewal of a grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply for renewal of these projects. HUD will reject applications for renewal submitted by ineligible applicants. If you have questions about your eligibility to apply for project renewal, contact the local HUD field office. To be considered an applicant when applying as part of a ''consolidated'' application, you must be an eligible applicant for the program for which you are applying, and you must submit an originally signed Form SF–424 and the necessary certifications and assurances. (See Section VI for a description of the three options for submitting an application.) Only public housing authorities and private nonprofits are eligible applicants for the Section 8 Moderate Rehabilitation for Single Room Occupancy program. If you are a unit of general local government acting as an applicant for a consolidated application and plan to include a request for Section 8 SRO funds, you must have a public housing authority or nonprofit listed as the Section 8 SRO applicant and they must submit a signed Form SF–424, along with all necessary certifications and assurances applicable to the Section 8 SRO project.

(B) Eligible Applicants

See Appendix A.

(C) Eligible Activities

See Appendix A.

IV. Program Requirements

(A) Conducting Business In Accordance With Core Values and Ethical Standards

See Section II(A)(2) of General Section of the SuperNOFA.

(B) Statutory and Regulatory Requirements

If your project is selected for funding as a result of the competition, you will be required to coordinate and integrate your homeless program with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program and Veterans Health Care. In addition, as a condition for award, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. This condition for award is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act funds to assist such persons in lieu of State and local resources.

(C) Program specific requirements follow:

(1) *SRO Program.* As an applicant, you need to know that the following limitations apply to the Section 8 SRO program:

- Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units;
- Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance;
- Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Housing Quality Standards.
- Under section 441(e) of the McKinney-Vento Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments Contract. For purposes of Fiscal Year 2002 funding, the cost limitation is raised from $18,200 to $18,500 per unit to take into account increases in construction costs during the past 12-month period.
- The SRO Program is subject to the Federal labor standards provisions at 24 CFR part 882, subpart H.
- Individuals assisted through the SRO Program must meet the definition of homeless individual found at section 103 of the McKinney-Vento Act.

(2) *Shelter Plus Care/SRO Component.* With regard to the SRO component of the Shelter Plus Care program, if you are a State or a unit of general local government, you must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

(3) *Supportive Housing Program.* Please be advised that where an applicant for Supportive Housing Program funding is a State or unit of general local government that utilizes one or more nonprofit organizations to

administer the homeless assistance project(s), administrative funds provided as part of the SHP grant must be passed on to the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). HUD will consider States or units of general local government that pass on at least 50 percent of the administrative funds made available under the grant as having met this requirement which was contained in the congressional committees' report accompanying the FY 2001 HUD Appropriations Act. This requirement does not apply to either the SRO Program, since no administrative funds are provided as part of the grant, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

(D) Match

You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of funds from other sources; for operating costs, since by law SHP can pay no more than 75% of the total operating budget for supportive housing, you must provide at least 25% of the annual operating costs. In addition, you must provide a 25% cash match of all SHP funding for supportive services. The cash source may be you, the Federal Government, State and local governments, or private resources. You must match rental assistance provided through the Shelter Plus Care Program in the aggregate with supportive services.

(E) Timeliness Standards

As an applicant, you are expected to initiate your approved projects promptly in accordance with Section II of this NOFA. In addition, HUD may take action if you fail to satisfy the following timeliness standards:

(1) Supportive Housing Program

- HUD will deselect your award if you do not demonstrate site control within one (1) year of the date of your grant award letter, as required by the McKinney-Vento Act at 42 U.S.C. 11386(a)(3) and implemented in program regulations at 24 CFR 583.320(a).
- HUD may deobligate SHP funds if the following additional timeliness standards are not met:

—You must begin construction activities within eighteen (18) months of the date of HUD's grant award letter and complete them within thirty-six (36) months after that notification.

—For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, you must begin these activities within three (3) months after you complete construction.

—You must begin all activities that may proceed independent of construction activities within twelve (12) months of the date of HUD's grant award letter.

(2) Shelter Plus Care Program Components Except SRO Component

HUD may deobligate S+C funds if you do not meet the following timeliness standards:

- For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, you must start the rental assistance within twelve (12) months of the date of HUD's grant award letter.
- For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of the date of HUD's grant award letter.

(3) SRO Program and SRO Component of the Shelter Plus Care Program

For projects carried out under the SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the Housing Assistance Payments contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in HUD's determination, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

V. Application Selection Process

(A) *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP). The standard factors for award identified in the General Section of this SuperNOFA have been modified in this program section as described below. Only the factors described in this program section—Continuum of Care and Need—will be used to assign points. To review and rate applications, HUD may establish panels. In order to obtain certain expertise and outside points of view, including views from other Federal agencies, these panels may include persons not currently employed by HUD. Two types of reviews will be conducted. Paragraphs (1) and (2) below describe threshold reviews and paragraphs (3) and (4) describe factors—Continuum of Care and Need—that will be used to assign points. Up to 104 points (including 2 bonus points for RC/EZ/EC communities described in Section III (C)(1), and 2 bonus points for the court-ordered consideration described in Section III (C)(3), of the General Section of the SuperNOFA) will be assigned using these factors.

(1) *Applicant and sponsor eligibility and capacity.* HUD will review your capacity as the applicant and project sponsor to ensure the eligibility and capacity standards in this section are met. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility and capacity standards are:

- You must be eligible to apply for the specific program;
- You must demonstrate ability to carry out the project(s). With respect to each proposed project, this means that in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery;
- If you or the project sponsors are current or past recipients of assistance under a HUD McKinney-Vento Act program, there must have been no delay in implementing projects exceeding applicable program timeliness standards that HUD determines is within your or the project sponsor's control, no unresolved HUD finding, or no outstanding audit finding of a material nature regarding the administration of the program; and
- You and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(2) *Project eligibility.* HUD will review projects to determine if they meet the following eligibility standards. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

- The population to be served must meet the eligibility requirements of the specific program, as described in this program section;
- At least one of the activities for which assistance is requested must be eligible under the specific program, as described in the program regulations;

• The project must be cost-effective in HUD's opinion, including costs associated with construction, operations, administration, and supportive services with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity;

• For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application. Tenants returning after having vacated their units during the rehabilitation period are not eligible to receive rental assistance under the SRO Program since they do not meet the McKinney-Vento Act definition of homeless individual; and

• For those projects proposed under the SHP innovative category: Whether or not a project is considered innovative will be determined on the basis that the particular approach proposed is new and can be replicated.

(3) *Project quality.* HUD will review projects to determine if they meet the following quality standards. The housing and services proposed must be appropriate to the needs of the persons to be served. HUD may find a project to be inappropriate if:

• The type, scale and general location of the housing or services do not fit the needs of the proposed participants. A S+C or SHP project renewal will be considered as having met this requirement through its previously approved grant application.

• A specific plan for ensuring that clients will be assisted to obtain the benefits of the mainstream health, social service, and employment programs for which they are eligible is not provided. A S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• Housing accessibility for persons with disabilities will not be provided as required by applicable laws. A SHP or S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• The description of supportive services only projects, and all others, do not show how participants will be helped to access permanent housing and achieve self-sufficiency. A S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• Renewal projects must evidence satisfactory performance for their existing grant in HUD's opinion based upon the substantial achievement of their program goals as reflected in their most recent Annual Progress Report. (New projects funded for one year in 2001 are not subject to this requirement.);

• Renewal projects do not evidence that they have assisted clients to obtain the benefits of the mainstream health, social service, and employment programs for which they were eligible as evidenced in their most recent Annual Progress Report;

(4) *Continuum of Care.* HUD will award up to 60 points as follows:

(a) *Process and Strategy.* HUD will award up to 20 points based on the extent to which your application demonstrates:

• The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a Continuum of Care strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, faith-based and other community-based organizations, and other groups serving homeless persons), State and local governmental agencies, public housing authorities, housing developers and service providers, law enforcement, hospital and medical entities, funding providers, local businesses and business associations, and homeless or formerly homeless persons; and

• That a well-defined and comprehensive strategy has been developed which addresses the components of a Continuum of Care system (i.e., prevention, outreach, intake, and assessment; emergency shelter; transitional housing; permanent and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (e.g., seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) *Gaps and Priorities.* HUD will award up to 20 points based on the extent to which your application:

(i) Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately; and

(ii) Proposes projects that are not inconsistent with the gaps analysis described in the Continuum of Care strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

When HUD reviews a community's Continuum of Care to determine the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list. (See discussion on renewals in Section III(A)(3) of this NOFA.)

(c) *Supplemental Resources.* HUD will award up to 15 points based on the extent to which your application incorporates mainstream resources and demonstrates leveraging of funds requested under this program section of the SuperNOFA with other resources, including private, other public, and mainstream services and housing programs. To achieve the highest rating for this factor, applicants must evidence explicit Continuum of Care-wide strategies to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless populations may be eligible. These include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, the Welfare-to-Work grant program, and Veterans Health Care.

(d) *Emphasis on housing.* HUD will award up to 5 points based upon the relationship between funds requested for housing activities and funds requested for supportive service activities among projects assigned 40 need points (excluding Shelter Plus Care renewals). Points will be awarded on a sliding scale with the Continuums with the highest percentage of approvable requests for funds for housing activities receiving the highest points. To receive points, the Continuum must have a total amount of approvable funds for housing activities that is at least 50 percent of funds for all approvable projects that are assigned 40 need points (excluding Shelter Plus Care renewals). HUD will count as housing activity all approvable funds for rental assistance and approvable funds for acquisition, rehabilitation, construction, leasing and operations when used in connection with housing.

(e) *EZ/EC bonus points.* As provided for in Section III(C)(1) of the General Section of this SuperNOFA, HUD will add a bonus of up to 2 points to the Continuum of Care score when: (1) At least one proposed homeless assistance project will be located within the boundaries and/or will principally serve the residents of a federal Empowerment Zone, Enterprise Community, Enhanced Enterprise Community, Strategic

Planning Community or Renewal Community (collectively ''EZ/EC''); and (2) if priority placement will be given by the project(s) to homeless persons living on the streets or in shelters within the EZ/EC, or whose last known address was within the EZ/EC. In addition, and in order for a Continuum of Care system to receive any of the bonus points, the applicant must specifically state how it meets the requirements for the two EZ/EC bonus points, and provide a narrative describing the extent of the linkages and coordination between proposed projects and the EZ/EC. Examples of such coordination include having common board or committee membership (EZ/EC and Continuum of Care), and having EZ/EC resources directed toward Continuum of Care activities. The greater the extent of EZ/EC involvement in, and coordination with, the implementation strategy for the Continuum of Care system and projects, the greater the likelihood that bonus points will be awarded.

(f) *Court-ordered consideration.* Section III(C)(3) of the General Section is applicable to this program.

(5) *Need.* HUD will award up to 40 points for need. There is a three-step approach to determining the need scores to be awarded to projects:

(a) *Determining relative need:* To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants program: data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those factors to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this program section of the SuperNOFA.

(b) *Applying relative need:* HUD will then apply that relative need index to the total amount of funding estimated to be competitively available under this program section of the SuperNOFA to determine a jurisdiction's pro rata need. However, in order to promote permanent housing for the homeless, if a Continuum of Care's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's eligible activities, up to the lesser of 100 percent of the Continuum of Care's preliminary pro rata need or $500,000, will be added to the final pro rata need amount for the Continuum. HUD also reserves the right to adjust pro rata need, if necessary, to address SHP project renewals.

(c) *Awarding need points to projects:* Once the pro rata need is established, it is applied against the priority project list in the application. Starting from the highest priority project, HUD proceeds down the list to award need points to each project. An eligible project will receive the full 40 points for need if at least one half of its requested amount falls within the pro rata need amount for that Continuum of Care (COC). Thereafter, HUD proceeds further down the priority project list and awards 15 points for need to each project if at least one half of its requested amount falls within the ''second tier'' of pro rata need amount for that Continuum of Care. The ''second tier'' is the amount between the pro rata need and twice the pro rata need for the COC. Remaining projects each receive 10 points. If projects are not prioritized for the Continuum, then all projects will receive 10 points for Need.

In the case of competing applications from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for Continuum of Care are eligible for up to 40 points under Need. Projects in the competing applications with lower Continuum of Care scores are eligible for only 10 points under Need.

(6) *Ranking.* HUD will add the score for Continuum of Care to the Need score and EZ/EC bonus points, if any, to obtain a total score for each project. The projects will then be ranked from highest to lowest according to the total combined score.

(7) *Conditional Selection and Adjustments to Funding.*

(a) *Conditional Selection.* Whether a project is conditionally selected, as described in Section V (B) below, will depend on its overall ranking compared to others, except that HUD reserves the right to select lower rated eligible projects in order to meet the 30 percent overall permanent housing requirement. (See Section V (A)(8) for additional selection information.)

When insufficient funds remain to fund all projects in the competition having the same total score, HUD will first fund permanent housing projects if necessary to achieve the 30 percent overall permanent housing requirement. HUD will then break ties among the remaining projects with the same total score by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall Continuum of Care score, COC Process and Strategy, COC Gaps and Priorities, and COC Supplemental Resources. The final tie-breaking factor is the priority number of the competing projects on the applicable COC priority list(s).

(b) *Adjustments to Funding.* The Secretary of HUD has determined that geographic diversity is appropriate to carrying out homeless assistance programs in an effective manner. HUD believes that geographic diversity can be achieved best by awarding grants to as many COCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa does not have at least one funded COC, HUD reserves the right to fund eligible project(s) receiving 40 Need points in the COC with the highest total score in that jurisdiction. To qualify for funding, the total score for these first tier projects on the COC priority list must be at least 65 points. In the case of two or more COCs with the same total score, HUD will use the tie-breaking rules described above. In addition, if the highest priority project passing threshold requirements within a COC fails to meet the criteria for receiving 40 Need points, HUD reserves the right to reduce the total requested amount for that project to allow it to qualify for 40 Need points. Finally, if the total amount that would be awarded for first tier projects in a Continuum of Care exceeds the final pro rata need amount for that COC by more than $250,000, the lowest priority first tier project being selected for funding will be reduced to the level necessary to ensure that the total amount being awarded for such projects does not exceed the final pro rata need amount by more than $250,000. HUD may otherwise adjust funding of applications in accordance with the provisions of Section III(E) of the General Section of the SuperNOFA. In addition, HUD reserves the right to ensure that a project that is applying for, and eligible for, selection under this competition is not awarded funds that duplicate activities.

(8) *Additional selection considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2002 Appropriation Act for HUD (Pub.L. 107–73, approved November 26, 2001; 115 Stat. 651), HUD will use not less than 30 percent of the total FY 2002 Homeless Assistance Grants appropriation, excluding amounts provided for renewals under the Shelter Plus Care Program, to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing for this purpose are: (1) New Shelter Plus Care projects, (2) Section 8 SRO projects, and (3) new and renewal

projects under the Supportive Housing Program that are designated as either permanent housing for homeless persons with disabilities or Safe Havens projects having the characteristics of permanent housing for homeless persons with disabilities, including leases with the program participants, that, in addition, have been assigned at least 15 Need points, and which are submitted as part of either a ''consolidated'' or ''associated'' Continuum of Care application receiving at least 20 points under the Continuum of Care scoring factor. However, no Continuum of Care application may receive more than 30 percent of its pro rata need, up to $3 million, for ''second-tier'' permanent housing projects assigned 15 Need points that are selected for funding under this procedure. (See Section V(A)(5)(c) for definition of ''second-tier''.) Since the FY 2002 Homeless Assistance Grants appropriation, excluding an estimated $118 million for Shelter Plus Care Program renewals, is $1.005 billion, not less than approximately $302 million must be awarded to permanent housing projects unless an insufficient number of approvable permanent housing projects are submitted. This permanent housing funding requirement may result in higher scoring non-permanent housing projects being skipped over to fund lower scoring permanent housing projects or, within a Continuum, higher priority non-permanent housing projects being skipped over to fund lower priority permanent housing projects. HUD will first skip over new non-permanent housing projects when making project selections in order to meet the 30 percent requirement. If the 30 percent requirement has not been met after skipping over the new non-permanent housing projects, then HUD will skip over non-permanent housing renewal projects. In skipping over new non-permanent housing projects, HUD will begin with the lowest rated, eligible new non-permanent project at the funding line and continue up the ranking until the 30 percent requirement is met. If HUD is required to skip over non-permanent housing renewal projects, HUD will proceed in the same way.

In accordance with section 429 of the McKinney-Vento Act, HUD will award Supportive Housing funds as follows: Not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 463(a) of the McKinney-Vento Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of Shelter Plus Care funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 455(b) of the McKinney-Vento Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney-Vento Act, no city or urban county may have Section 8 SRO projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as $10 million for Shelter Plus Care and $10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds $100 million, then the amount awarded to any one unit of general local government (for purposes of the Shelter Plus Care program) or city or urban county (for the purposes of the SRO program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this program section of the SuperNOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this program section of the SuperNOFA, that right will be exercised uniformly across all applications received in response to this program section of the SuperNOFA.

(B) *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. HUD will notify SHP, SRO, S+C and S+C/SRO applicants of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

(C) *Applicant Debriefing.* See Section VII (E)(2) of the General Section of the SuperNOFA.

VI. Application Submission Requirements

The application kit provides the application materials, including Form SF–424 and certifications, that must be used in applying for homeless assistance under this SuperNOFA. These application materials substitute for the forms, certifications, and assurances listed in Section II(H) of the General Section of the SuperNOFA (collectively, the ''standard'' forms).

In addition to the required narratives, the items that you must submit to HUD as part of the application for homeless assistance funding are the following:

(1) 2002 Application Summary Form
(2) Continuum of Care and Project Exhibits
(3) Gaps Analysis Form
(4) Project Priorities Form
(5) Project Leveraging Form
(6) EZ/EC Certification
(7) SF–424
(8) Applicant Certifications
(9) Consolidated Plan Certification(s)

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining forms

(i.e., excluding such items as narratives), referred to as the non-standard forms, can be found in Appendix B to this program section of the SuperNOFA).

The application requires a description of the Continuum of Care system and the proposed project(s). To ensure that no applicant is afforded an advantage in the rating of the Continuum of Care element (described in Section V (A)(4) above), HUD is establishing a limitation of 25 pages, excluding required multiple page tables or charts but including any attachments, on the length of Exhibit 1 of any application submitted in response to this NOFA. HUD will not consider the contents of any pages exceeding this limit when rating the Continuum of Care element of any application. The application kit also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable State or unit of general local government, including the Analysis of Impediments to Fair Housing Choice and the Action Plan to address these impediments. Projects funded under this SuperNOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601–19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) or the Age Discrimination Act of 1974 (42 U.S.C. 6101).

There are three options for submitting an application under this program section of the SuperNOFA.

One: A ''Consolidated Application'' is submitted when a jurisdiction (or a consortium of jurisdictions) submits a single application encompassing a Continuum of Care strategy and containing all the projects within that strategy for which funding is being requested. Individual projects are contained within the one consolidated application. Grant funding may go to one entity which then administers all funded projects submitted in the application, or under this option, grant funding may go to all or any of the projects individually. Your application will specify the grantee for each project.

Two: ''Associated Applications'' are submitted when applicants plan and organize a single Continuum of Care strategy that is adopted by project sponsors or operators who choose to submit separate applications for projects while including the identical Continuum of Care strategy. In this case, project funding would go to each successful applicant individually and each would be responsible to HUD for administering its separate grant.

Three: A ''Solo Application'' is submitted when an applicant applies for a project exclusive of participation in any community-wide or region-wide Continuum of Care development process.

Options one and two are not substantively different and will be considered equally competitive. Applicants are advised that projects that are not a part of a Continuum of Care strategy will receive few, if any, points under the Continuum of Care rating factors.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications (See Section V of the General Section).

VIII. Environmental, Local Resident Employment, and Relocation Requirements

(A) *Environmental Requirements.* All Continuum of Care assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. Section 208 of Public Law 106–377 (114 Stat. 1441, approved October 27, 2000) amended section 443 of the Stewart B. McKinney-Vento Homeless Assistance Act to provide that for purposes of environmental review, Continuum of Care projects shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to HUD's regulations implementing that section. The effect of this provision is that environmental reviews for Continuum of Care activities are to be completed by responsible entities (States or units of general local government) in accordance with 24 CFR part 58, whether or not the applicant is itself a State or a unit of general local government. Applicants (such as PHAs or nonprofit organizations) that are not States or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision supersedes those portions of 24 CFR 582.230 and 583.230 that provide for automatic HUD environmental review in the case of applications from such entities. With this exception, conditional selection of projects under the Continuum of Care Program is subject to the environmental review requirements of 24 CFR 582.230, 583.230, and 882.804(c), as applicable. Recipients may not commit or expend any Continuum of Care assistance or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of Continuum of Care assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment.* To the extent that any housing assistance (including rental assistance) funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(C) *Relocation.* The SHP, S+C, and SRO programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). These requirements are explained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Any person or family that moves, even temporarily, as a direct result of acquisition, rehabilitation or demolition for a project that is assisted through one of these programs (whether or not HUD funded the acquisition, rehabilitation or demolition) is entitled to relocation assistance. Displacement that results from leasing a unit in a structure may also trigger relocation requirements. Relocation assistance can be expensive. To avoid unnecessary costs, it is important to provide occupants with timely information notices, including a general information notice to be sent at

the time the application is submitted to HUD. HUD Handbook 1378 contains guideform information notices. The HUD field office can provide a copy of the handbook and copies of appropriate information booklets to be provided to occupants. Accordingly, if the site is occupied, the applicant should contact the HUD field office in the planning stage to obtain advice, including help in estimating the cost of required relocation assistance.

IX. Authority

The Supportive Housing Program is authorized by title IV, subtitle C, of the Stewart B. McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), 42 U.S.C. 11381. Funds made available under this program section of the SuperNOFA for the Supportive Housing Program are subject to the program regulations at 24 CFR part 583.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney-Vento Act, 42 U.S.C. 11403. Funds made available under this program section of the SuperNOFA for the Shelter Plus Care program are subject to the program regulations at 24 CFR part 582.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (SRO) is authorized by section 441 of the McKinney-Vento Act, 42 U.S.C. 11401. Funds made available under this NOFA for the SRO program are subject to the program regulations at 24 CFR part 882, subpart H.

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APPENDIX A
CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

ELEMENTS	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act	Subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act	Section 441 of the McKinney-Vento Homeless Assistance Act
IMPLEMENTING REGULATIONS	24 CFR part 583	24 CFR part 582	24 CFR part 882
ELIGIBLE APPLICANT(S)	• State • Units of general local government • Special purpose units of government such as public housing agencies (PHAs) • Private nonprofit organizations • CMHCs that are public nonprofit organizations	• States • Unites of general local governments • PHAs	• PHAs • Private nonprofit organizations
ELIGIBLE COMPONENTS	• Transitional housing • Permanent housing for disabled persons only • Supportive services not in conjunction with supportive housing • Safe Havens • Innovative supportive housing	• Tenant-based • Sponsor-based • Project-based • SRO-based	• SRO housing
ELIGIBLE ACTIVITIES **See footnotes 1,2 and 3**	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental assistance
ELIGIBLLE POPULATIONS **See footnote 2**	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals & their families	• Homeless individuals
POPULATIONS GIVEN SPECIAL CONSIDERATION	• Homeless persons with disabilities • Homeless families with children	Homeless persons who: • Are seriously mentally ill • Have chronic problems with alcohol and/or drugs • Have AIDs & related diseases	N/A
INITIAL TERM OF ASSISTANCE	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO, and PRA with rehab	10 years

Footnote 1: Homeless prevention activities are statutorily ineligible under these programs.

Footnote 2: Persons at risk of homelessness are statutorily ineligible for assistance under these programs.

Footnote 3: Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible for assistance under Shelter Plus Care and Section 8 SRO.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

PROGRAM OVERVIEW

Purpose of the Program. This program provides supportive housing for very low-income persons 62 years of age or older.

Available Funds. Approximately $485.6 million.

Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives (see Section III(B) of this NOFA). (See Section VIII of this NOFA for information regarding the formation of the Owner corporation.)

Eligible Activities. New construction, rehabilitation, or acquisition of housing with or without rehabilitation (see Section III(C) of this NOFA).

Application Deadline. June 5, 2002.

Match Requirements. No.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications on or before 6 p.m., local time, on June 5, 2002 at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the submission of applications to HUD Field Offices. Only Section 202 applications mailed by United States Postal Service (USPS) will be accepted.

Address for Submitting Applications. Submit your completed application (an original and four copies are required) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800–HUD–8929 and from the Internet through the HUD web site at *http://www.hud.gov/grants.* Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

For Application Kits. For an application kit and any supplemental materials, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Section 202 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at *http://www.hud.gov/grants* and from the appropriate Multifamily Hub or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Evelyn Berry at HUD Headquarters at (202) 708–2866, or access the Internet at *http://www.hud.gov/grants.* Persons with hearing and speech challenges may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

HUD encourages minority organizations and grassroots organizations (e.g., civic organizations, congregations and faith-based and other community-based organizations) to participate in this program and strongly recommends that prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to ensure that any necessary arrangements can be made to enable your attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

For FY 2002, $ 485,585,696 is available for capital advances for the supportive housing for the elderly program. The FY 2002 HUD Appropriations Act, Pub. L. 107–73, approved November 26, 2001, (HUD Appropriations Act) provides $683,286,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959. Of this amount, $600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 202 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR

791.402(a). The FY 2002 formula consists of one data element: A measure of the number of one and two person elderly renter households with incomes at or below HUD's Very-low Income Limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size), which have housing deficiencies. The counts of elderly renter households with housing deficiencies were taken from a special tabulation of the 1990 Decennial Census. The formula focuses the allocation on targeting the funds based on the unmet needs of elderly renter households with housing problems.

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each HUD Office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below.

Note: The allocations for metropolitan and nonmetropolitan portions of the Multifamily Hub or Program Center jurisdictions reflect the most current definitions of metropolitan and nonmetropolitan areas, as defined by the Office of Management and Budget.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of elderly renter households in the respective metropolitan and nonmetropolitan portion of the jurisdiction by the total number of elderly rental households in the metropolitan and nonmetropolitan portions of the United States. The resulting percentage for each local HUD Office jurisdiction is then adjusted to reflect the relative cost of providing housing among the HUD Office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide. Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

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ATTACHMENT 1

FY 2002 SECTION 202 ALLOCATIONS BY FIELD OFFICE						
	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
BOSTON HUB						
BOSTON	182	17,095,800	9	871,849	191	17,967,649
HARTFORD	90	8,323,282	5	462,656	95	8,785,938
MANCHESTER	46	3.419,646	36	2,619,501	82	6,039,147
PROVIDENCE	53	4,946,196	5	467,631	58	5,413,827
TOTAL	371	33,784,924	55	4,421,637	426	38,206,561
NEW YORK HUB						
NEW YORK	445	52,963,795	5	594,489	450	53,558,284
BUFFALO HUB						
BUFFALO	139	11,586,210	27	2,281,610	166	13,867,820
PHILADELPHIA HUB						
CHARLESTON	20	1,432,742	17	1,253,338	37	2,686,080
NEWARK	209	20,455,274			209	20,455,274
PHILADELPHIA	175	15,167,280	22	1,883,785	197	17,051,065
PITTSBURGH	89	6,708,139	19	1,400,751	108	8,108,890
TOTAL	493	43,763,435	58	4,537,874	551	48,301,309
BALTIMORE HUB						
BALTIMORE	75	5,813,649	10	795,860	85	6,609,509
RICHMOND	72	4,900,280	25	1,659,129	97	6,559,409
WASHINGTON	77	6,343,979			77	6,343,979
TOTAL	224	17,057,908	35	2,454,989	259	19,512,897

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
GREENSBORO HUB						
COLUMBIA	50	3,577,352	19	1,347,983	69	4,925,335
GREENSBORO	83	7,136,248	40	3,392,949	123	10,529,197
TOTAL	133	10,713,600	59	4,740,932	192	15,454,532
ATLANTA HUB						
ATLANTA	84	5,583,511	37	2,485,079	121	8,068,590
KNOXVILLE	39	2,544,398	12	767,283	51	3,311,681
LOUISVILLE	52	3,673,056	29	2,031,880	81	5,704,936
NASHVILLE	56	3,691,879	20	1,323,179	76	5,015,058
SAN JUAN	42	4,206,569	14	1,428,319	56	5,634,888
TOTAL	273	19,699,413	112	8,035,740	385	27,735,153
JACKSONVILLE HUB						
BIRMINGHAM	64	4,202,269	25	1,675,945	89	5,878,214
JACKSON	20	1,273,549	31	1,996,275	51	3,269,824
JACKSONVILLE	263	17,005,562	16	1,006,576	279	18,012,138
TOTAL	347	22,481,380	72	4,678,796	419	27,160,176
CHICAGO HUB						
CHICAGO	229	20,860,254	35	3,208,125	264	24,068,379
INDIANAPOLIS	85	6,085,240	24	1,750,973	109	7,836,213
TOTAL	314	26,945,494	59	4,959,098	373	31,904,592
COLUMBUS HUB						
CINCINNATI	68	4,757,977	5	350,723	73	5,108,700
CLEVELAND	113	8,804,341	15	1,180,209	128	9,984,550
COLUMBUS	51	3,518,332	18	1,260,390	69	4,778,722
TOTAL	232	17,080,650	38	2,791,322	270	19,871,972

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
DETROIT HUB						
DETROIT	119	9,784,106	9	732,309	128	10,516,415
GRAND RAPIDS	47	3,260,631	19	1,326,569	66	4,587,200
TOTAL	166	13,044,737	28	2,058,878	194	15,103,615
MINNEAPOLIS HUB						
MINNEAPOLIS	79	6,762,238	30	2,532,642	109	9,294,880
MILWAUKEE	90	7,352,513	32	2,658,828	122	10,011,341
TOTAL	169	14,114,751	62	5,191,470	231	19,306,221
FT. WORTH HUB						
FT. WORTH	111	7,291,523	33	2,149,978	144	9,441,501
HOUSTON	71	4,632,362	12	814,571	83	5,446,933
LITTLE ROCK	38	2,290,047	28	1,685,013	66	3,975,060
NEW ORLEANS	72	4,537,849	17	1,062,119	89	5,599,968
SAN ANTONIO	61	3,759,266	13	801,214	74	4,560,480
TOTAL	353	22,511,047	103	6,512,895	456	29,023,942
KANSAS CITY HUB						
DES MOINES	39	2,677,581	29	2,009,507	68	4,687,088
KANSAS CITY	66	4,803,339	29	2,033,464	95	6,836,803
OKLAHOMA CITY	47	2,969,922	23	1,417,292	70	4,387,214
OMAHA	20	1,462,591	16	1,162,010	36	2,624,601
ST LOUIS	63	5,114,191	21	1,733,176	84	6,847,367
TOTAL	235	17,027,624	118	8,355,449	353	25,383,073
DENVER HUB						
DENVER	85	6,447,806	41	2,836,584	126	9,284,390

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
SAN FRANCISCO HUB						
SAN FRANCISCO	189	21,226,464	12	1,214,906	201	22,441,370
HONOLULU	20	3,581,856	5	895,464	25	4,477,320
PHOENIX	64	4,365,093	10	694,269	74	5,059,362
SACRAMENTO	63	5,634,521	11	998,142	74	6,632,663
TOTAL	336	34,807,934	38	3,802,781	374	38,610,715
LOS ANGELES HUB						
LOS ANGELES	372	32,775,813	5	440,270	377	33,216,083
SEATTLE HUB						
SEATTLE	84	7,285,506	17	1,505,772	101	8,791,278
ANCHORAGE	20	3,581,856	5	895,464	25	4,477,320
PORTLAND	65	5,073,957	23	1,741,806	88	6,815,763
TOTAL	169	15,941,319	45	4,143,042	214	20,084,361
NATIONAL TOTAL	4,856	412,747,840	960	72,837,856	5,816	485,585,696

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used for the construction or rehabilitation of a structure, or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC). Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

Project rental assistance contract (PRAC) funds are used to cover the difference between what the residents pay for rent and the HUD-approved expense to operate the project. PRAC funds may also be used to provide supportive services and to hire a service coordinator in those projects serving the frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

(B) *Eligible Applicants.* Private nonprofit organizations and nonprofit consumer cooperatives are the only eligible applicants under this Section 202 Program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD Offices. Also, no single application may propose more than the number of units allocated to a HUD office or 125 units, whichever is less. Reservations for projects will not be approved for fewer than 5 units. If the proposed project will be a scattered-site development, the 5-unit minimum requirement will apply to each site. Affiliated entities that submit separate applications are considered to be a single entity for the purpose of these limits.

(C) *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition of housing with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 202 funding sources to develop additional units for a mixed-finance or mixed-used project. Project rental assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents. In projects principally serving the frail elderly, eligible costs include the salary of a service coordinator.

Note: For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

(D) *Ineligible Activities.* Section 202 funds may not be used for nursing homes, infirmaries, medical facilities, mobile home projects, community centers, headquarters for organizations for the elderly, nonhousekeeping accommodations, or refinancing of sponsor-owned facilities without rehabilitation.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that may or may not already serve elderly persons.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant, you must comply with the following requirements. By signing the Section 202 Application for a Fund Reservation, you are certifying that you, the applicant, will comply with all program requirements, including the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all Section 202 Program statutory and regulatory requirements, as listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS' comments in its review and application selection process.

(C) Development Cost Limits. (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) of this program section of the SuperNOFA, below, will be used to determine the capital advance amount to be reserved for projects for the elderly:

(a) The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you must pay for) may not exceed:

Nonelevator structures:

$41,238 per family unit without a bedroom;

$47,548 per family unit with one bedroom;

$57,344 per family unit with two bedrooms;

For elevator structures:

$43,398 per family unit without a bedroom;

$49,748 per family unit with one bedroom;

$60,493 per family unit with two bedrooms.

(b) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA, above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed $10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have

one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed $25,000.

(E) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for the elderly, you should note 24 CFR 891.120, which requires that your project meets accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally-assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible in accordance with 24 CFR 891.120 and section 504 of the Rehabilitation Act of 1973, without resulting in an infeasible project. HUD also encourages you to add accessible design features beyond those required under civil rights laws and regulations. See Section VI(C) of the General Section of this SuperNOFA, entitled ''Encouraging Accessible Design Features.''

(F) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* Section 202 Sponsors are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the General Section of this SuperNOFA. However, Sponsors are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, Section 202 applicants are required to sign a Conflict of Interest Resolution and include it in the Section 202 application package. Further, if awarded a Section 202 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 202 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

(G) *Ensuring the Participation of Small Businesses , Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 202 program is not subject to the provision of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

(H) *Fair Housing Requirements.* You must comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity. In addition, you are required to affirmatively further fair housing in conducting your program or activities in accord with Section II(D) of the General Section of the SuperNOFA entitled ''Affirmatively Furthering Fair Housing.''

(I) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* You must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons. To comply with Section 3 requirements, you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

(J) *Design and Cost Standards.* You must comply with HUD's Section 202 design and cost standards (24 CFR 891.120 and 891.210, the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(K) *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR 891.155(e)) (URA) which covers the acquisition of sites, with or without, existing structures. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation (with reasonable evidence) of the basis for the estimate.

(L) *Formation of Owner Corporation.* You must form an Owner (in accordance with 24 CFR 891.205) after issuance of the capital advance, must cause the Owner to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner to ensure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(M) *Supportive Services.* You must not require residents to accept any supportive services as a condition of occupancy.

(N) *Davis-Bacon.* You must comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

(O) *Flood Disaster Protection Act of 1973.* You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

(P) *National Environmental Policy Act.* You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b).

(Q) *Truth and Accuracy.* By signing your application, you are certifying that the information you are providing to HUD in your application under the Section 202 Program of Supportive Housing for the Elderly is true and accurate, to the best of your knowledge.

(R) *Expiration of Section 202 Funds.* The FY 2002 HUD Appropriations Act requires HUD to obligate all 202 funds appropriated for FY 2002 by September

30, 2004. Under 31 U.S.C. Section 1551, no funds can be disbursed from the account after September 30, 2009. Under Section 202, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2009, the funds even though obligated will expire and no further disbursements can be made from this account. In submitting an application you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2009. Furthermore, absent Congressional relief, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2009. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

V. Application Selection Process

(A) Review for Curable Deficiencies. You should ensure that your application is complete before submitting it to the appropriate HUD Office. HUD will screen all applications received by the deadline for curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. The following is a list of the deficiencies that will be considered curable in a Section 202 application:

Exhibits

(1) Form 92015–CA (Application Form)*
(2) (a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4) (c)(ii) Energy efficiency
(d)(i) Evidence of site control
(d)(ii) Evidence site is free of limitations, restrictions or reverters
(d)(vi) Phase I Environmental Site Assessment
(d)(vii) Letter from State Historic Preservation Officer (SHPO)
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance and Compliance with Executive Order 12372*
(b) HUD–50070, Certification of a Drug-free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(g) Conflict of Interest Resolution
(h) Resolution for Commitment to Project*

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and you will be given 14 days from the date of the HUD notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the General Section of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of that rejection with all the reasons for rejection, and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD office.

The HUD office will make a determination on an appeal before making its selection recommendations. All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating factors in Section V(D) of this Section 202 Program section of the SuperNOFA.

If an Exhibit or portion of an Exhibit listed above as curable is not discovered as a missing item until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

(C) *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score (without the addition of EC/EZ bonus points) of 70 points or more and meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for EC/EZ, will be selected based on rank order, up to and including the last application that can be funded out of each HUD office's metropolitan or nonmetropolitan allocation. HUD offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections in each allocation area, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

Once this process has been completed, HUD offices may combine their unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy described above, if necessary.

After the offices have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Offices in each Multifamily Hub will be combined. These funds will be used first to restore units to projects reduced by HUD offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than five units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD offices as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on field offices' rankings beginning with the highest rated application nationwide. However, after restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement pertaining to Section 202 funding in non-metropolitan areas. Only one application will be selected per HUD office from the national residual amount. If there are no approvable applications in other HUD offices, the process will begin with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are

selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), (B)(3)(e) and (B)(5) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a)(i) (14 points) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(a)(ii) (1 point) Your organization is a grassroots organization as defined in the General Section of this SuperNOFA.

(b) (10 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and elderly communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Appendix section of the Office of Management and Budget's (OMB) **Federal Register** Notice entitled ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' and dated October 30, 1997 (62 FR 58782–90). It can be found on the OMB Website at *www.whitehouse.gov/omb/fedreg/ombdir15.html*.

(c) (−2 points) A fund reservation you received under either the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities has been extended beyond 36 months (except if the delay was beyond your control). Examples of such delays include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

(d) (−1 point) Amendment money was required as a result of the delay (except if the delay was beyond your control).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD office. The data could include information on the number of existing Federally assisted housing units (HUD and RHS) for the elderly in the area and current occupancy in such facilities; Federally assisted housing for the elderly under construction or for which fund reservations have been issued; and in accordance with an agreement between HUD and the RHS, comments from the RHS on the demand for additional assisted housing and the possible harm to existing projects in the same housing market area. The Department will also review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how your proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between your proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d) and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) (15 points) The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e));

(a)(ii) (-1 point) HUD will deduct one (1) point from this Factor if the site(s) is not already permissively zoned for the intended use.

(b) (10 points) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. Where appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:—Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood). The term ''nonminority area'' is defined as one in which the minority population is lower than 10 percent; or

— Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(ii) For the purpose of this competition, the term ''minority

neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

— The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,
— The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,
— In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

(c) (3 points) The extent to which your proposed design will meet the special physical needs of elderly persons;

(d) (3 points) The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(e) (3 points) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve;

(f) (3 points) The extent to which the proposed supportive services meet the identified needs of the anticipated residents; and

(g) (3 points) The extent to which you demonstrate that the identified supportive services will be provided on a consistent, long-term basis.

(h) (−1 point) HUD will deduct one (1) point from the rating of this Factor if you do not include a plan for completing your project within the initial fund reservation period of 18 months.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) (5 points) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) (5 points) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Coordination, Self Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations that will not be directly involved in the proposed project, participate or promote participation in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice), and are working toward addressing a need in a holistic and comprehensive manner to ensure that the project will not operate in isolation. This factor also addresses the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h),(B)(3)(i) and (B)(3)(j) of Section VI of this program section of the SuperNOFA.

(a) (2 points) Your involvement of elderly persons, particularly minority elderly persons, in the development of the application, and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project;

(b) (2 points) The extent to which you coordinated your application with other organizations that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(c) (2 points) The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice) to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) (2 points) The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, and improved living environments; and

(e) (2 points) The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period.

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the General Section of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(i) of Section VI of this program section of the SuperNOFA.

(E) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced pursuant to this program NOFA, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to the Director, of the Office of Multifamily Housing in the local HUD Office in which the application was filed. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Sections VI(B)(2)(a), (b), and (c) of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. HUD offices will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on the

information submitted in response to Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you will be able to submit information and exhibits you have previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 Programs, your experience in the provision of housing and services, supportive services plan, community ties, and experience serving minorities.

(B) *General Application Requirements*. Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) Form HUD–92015–CA, Application for Section 202 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a private nonprofit organization or nonprofit consumer cooperative, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS tax exemption ruling (this must be submitted by you and each Co-Sponsor, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

Note: If you received a Section 202 Fund Reservation within the last three funding cycles, you are not required to submit the documents described in paragraphs (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community in which your project will be located and to the minority and elderly communities in particular, including a description of the specific geographic area(s) in which you have served;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the elderly that you expect to serve in the proposed project;

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience; your experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description of your efforts to involve elderly persons, including minority elderly persons, in the development of the application, as well as your intent to involve elderly persons in the development and operation of the project.

(3)(g) A description of the steps you took to coordinate your application with other organizations, that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support the proposed project so that the project will provide a comprehensive and holistic solution to the needs of the elderly. Also, describe the steps you will take, if funded, to share information on solutions and outcomes relative to the development of the proposed project.

(3)(h) A description of your involvement in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice), including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the areas of the community's planning process in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the community's planning process. If adopting the Consolidated Plan community process, consult the local HUD Office for the identification of the appropriate area.

(3)(i) A description of the practical solutions you will implement which will enable the residents of your project to achieve independent living. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include any activities that will enhance the quality of life for the residents. And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(3)(j) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period. This description should address the measures you would take should any of the following occur: (i) funding for any of the needed supportive services becomes depleted, or (ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose, or (iii) if the need for housing for the elderly wanes over time, causing vacancies in your project.

(4) Project information, including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the category or

categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

Note: If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (i.e., in addition to the Section 202 units) with the use of Section 202 capital advance funds in combination with other funding sources. Specify the number of Section 202 units and the number of additional units from non-Section 202 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. You also must demonstrate your ability to proceed with the development of a Section 202 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding or HUD disapproves your proposal for mixed-financing or a mixed-use.

Note: Approval of the Section 202 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 202 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 202 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains

provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the section 202 project or from any other development team member.

(4)(d)(iii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.).

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing opportunities for minority elderly persons, thereby affirmatively furthering fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(4)(d)(v) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration. For this competition, applicants should use the racial and ethnic data categories stated in the Appendix section of the October 30, 1997, Office of Management and Budget **Federal Register** Notice (62 FR 58782–90), (*www.whitehouse.gov/omb/fedreg/ombdir15.html*) and data from the 1990 Census of Population when determining the racial and ethnic composition of the neighborhood surrounding the proposed site. Data from the 1990 Census of Population may be found at *www.factfinder.census.gov/servlet/BasicFactsServlet*.

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed, or updated, no earlier than six months prior to application deadline date. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. NOTE: You are not limited to acquiring properties from the FDIC. However, if the property is to be acquired from the FDIC, include a copy of the FDIC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II Environmental Site Assessment (ESA) by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for the application to be considered for review under this FY 2002 funding competition, you must submit this information to the local HUD office on or before July 5, 2002.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and,

(*C*) A copy of the SHPO's response, if available.

(4)(e) Provision of supportive services in the proposed facility:

(4)(e)(i) A detailed description of the supportive services proposed to be provided to the anticipated occupancy;

(4)(e)(ii) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services;

(4)(e)(iii) The manner in which such services will be provided to such persons (i.e., on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

Note: You may not require residents, as a condition of occupancy, to accept any supportive service.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD office in response to this announcement of Section 202 Program funding availability or the announcement of Section 811 Program (Supportive Housing for Persons with Disabilities) funding availability, published elsewhere in this SuperNOFA. Indicate by HUD office, the proposed location by city and State, and the number of units requested for each application. Include a list of all FY 2001 and prior year projects to which you are a party. Identify each by project number and HUD Office and include the following information: (a) Whether the project has initially closed and, if so, when; (b) if the project was older than 36 months when it initially closed or is older than 36 months now and has not initially closed, provide the reasons for the delay in closing; (c) whether amendment money was or will be needed for any project in (b) above; and (d) those projects which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit

organizations), by race/minority group, and status as owners or tenants, occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons who have moved from the site within the past 12 months.

Note: If any of the relocation costs will be funded from sources other than the section 202 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of site acquisition, relocation, construction, and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the General Section of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD–424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance, indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application , if required, to the State agency (Single Point of Contact) for state review in accordance with Executive Order 12372). (See instructions for submitting this form in the Consolidated Application Submission section of the General Section of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/ Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).* A certification attesting to the eligibility of your principals.

(7)(f) *Certification of Consistency with the Consolidated Plan (Plan), Form HUD–2991, for the jurisdiction in which the proposed project will be located.* The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(g) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

(7)(h) *A certified Board Resolution, acknowledging the responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, the resolution shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000, if nonaffiliated with a National Sponsor; one-half of one-percent of the HUD-approved capital advance, not to exceed $25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(i) *Certification of Consistency with the EZ/EC Strategic Plan, HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents. (This certification is not required if the project site(s) will not be located in an EZ/EC.)

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Formation of Owner Corporation for Development of Section 202 Projects and for Section 202 Projects Involving Mixed-Financing or a Mixed-Use Purpose.

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; i.e., all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, OR (3) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 202 units, a for-profit limited partnership with a nonprofit entity as the sole general partner.

IX. Authority

The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub.L. 102–550; approved October 28, 1992), the Rescissions Act (Pub.L. 104–19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000); and the Fiscal Year 2002 HUD Appropriations Act (Pub. L. 107–73, approved November 26, 2001).

Appendix A

Addresses for Submitting Applications

Please see Appendix A to the Section 811 Program Section of this SuperNOFA. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA. See Section I., Address for Submitting Applications, of this program NOFA, for the exceptions regarding where to file your application.

Appendix B

The non-standard forms, which follow, are required for your Section 202 Program application.

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APPENDIX B

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PART I - APPLICATION FORM FOR SECTION 202 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: Form HUD-92015-CA, Application for Section 202 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: Your Legal Status

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

EXHIBIT 3: Your purpose, community ties and experience:

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large, to the target population, and description of geographic areas served _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

(e) Housing and/or supportive services experience _____

PAGE

(f) Efforts to involve target population _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's planning process including Analysis of Impediments to Fair Housing Choice:

(i) Agency that organizes/ administers the process _____

(ii) Identification of areas of community's planning process in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Description of practical solutions to be implemented _____

(j) Description of how project will remain viable _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

(c) A narrative description of the project, including:

(i) Building design _____

PAGE

(ii) Whether and how project will promote energy efficiency _____

(iii) If, applicable, description of plans and actions to create a mixed-finance/mixed-use project _____

(iv) Description of plan for completing project within 18 mth fund reservation period (optional) _____

(d) Evidence of site control and permissive zoning

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

PAGE

(C) SHPO's response, if available _____

(e) Provision of supportive services:

(i) Description of services _____

(ii) Public/private funding sources for proposed services _____

(iii) Manner in which services will be provided _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 202 or Section 811 NOFA, and required information about each _____

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Disclosure of Lobbying Activities (Standard Form LLL), if applicable _____

PAGE

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____

(e) Certification Regarding Debarment and Suspension (HUD-2992) _____

(f) Certification of Consistency with the Consolidated Plan (HUD-2991) _____

(g) Sponsor's Conflict of Interest Resolution _____

(h) Sponsor's Resolution for Commitment to Project _____

(i) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.6/30/2002)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories _____

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory _____

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

11. Check utilities and services not included in the rent and to be paid directly by the tenant

- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features

- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)

- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title Date(mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those

(2)

Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its respon-sibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the

(2)

minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ **of the Sponsor on the** _____**day of** _____, _____.

_____

Authorized Signature

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTED LIVING CONVERSION PROGRAM (ALCP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide grants for the conversion of some or all of the dwelling units in an eligible project into assisted living facilities (ALFs) for frail elderly persons.

Available Funds. Approximately $93 million are available for the conversion of eligible multifamily projects to ALFs ($50 million under the Fiscal Year 2002 Appropriations Act and $43 million in Fiscal Year 2001 carryover funds).

Eligible Applicants. Only private nonprofit project owners of eligible developments (as described in Section III of this NOFA) may apply for and become the recipient of a grant.

Application Due Dates. July 3, 2002.

Match. None required.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. Your completed application (one original and four copies) is due on July 3, 2002, at the address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact application submission procedures. See the General Section of the SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, or overnight delivery.) Only ALCP applications mailed by the United States Postal Service (USPS) will be accepted by HUD.

Addresses for Submitting Applications. The official place for receipt of your application is ONLY in the appropriate Multifamily Hub Office. Submit an original and four copies of the ALCP application to the Director of the appropriate HUD Multifamily Hub Office, as listed in Appendix A of this NOFA, with jurisdiction over your development.

Appendix B to this NOFA lists the 18 Multifamily Hubs with the Program Centers under them, to facilitate applicants knowing the correct location to send the application. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submit your application to the USPS. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

For Application Kits, Further Information, and Technical Assistance.

For Application Kits. You may obtain an ALCP application kit and supplemental information by calling the SuperNOFA Information Center at (voice) 1–800–HUD–8929 (1–800–483–8929). Persons with hearing or speech impairment may call the Center's TTY number at 1–800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application kit is also available on the Internet through the HUD web site at http://www.hud.gov/grants.

Note: There is a separate application kit for service coordinator funds (which is necessary for those needing to enhance or add service coordination per Section III (B)(13) of this NOFA).

For Further Information and Technical Assistance. You should contact the Multifamily Hub where you will be mailing your ALCP Application. (Please refer to Hub telephone numbers in Appendix A.)

You also may contact Faye Norman, Housing Project Manager at (202) 708–3000 x2482 or Aretha Williams, Director, Grant Policy and Management Division, Room 6138 at (202) 708–3000 x2480 for questions regarding the ALF process. This is not a toll free number. Ms. Williams can be reached, by e-mail, at ''*aretha_m._williams@hud.gov*'' and Ms. Norman at ''*faye_l._norman@hud.gov.* Both Ms. Williams and Ms. Norman are located at the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

If you have a hearing or speech impairment, you may access the telephone number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

II. Amount Allocated

This NOFA makes available approximately $93 million (approximately $78 million for the physical conversion of eligible multifamily assisted housing projects or portions of projects to ALFs and approximately $15 million for the conversion of up to 3 unused or underutilized commercial properties to ALFs). The Fiscal Year (FY) 2002 funding of $50 million is in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act Pub.L.107–73, approved November 26, 2002). The $93 million includes $43 million in Fiscal Year 2001 carryover funds. The allocation formula used for the ALCP to fair share the $78,000,000 reflects demographic characteristics of age and incidence of frailty that would be expected for program participants. The FY 2002 formula consists of three data elements from the 1990 decennial census:

(1) The number of non-institutional elderly population aged 75 years or older with a self-care limitation,

(2) The number of non-institutional elderly population aged 75 or older with a mobility limitation, and,

(3) The number of the non-institutional elderly population aged 75 or older with both a mobility limitation and a self-care limitation. The data were taken from the 1990 Census Special Tabulation on Aging, STP–14, sponsored by the Administration on Aging, U.S. Department of Health and Human Services.

A mobility limitation is defined as a health condition that has lasted for six (6) or more months, making it difficult for the person to go outside the home alone. This includes outside activities such as shopping or visiting the doctor's office. A self-care limitation is defined as a health care limitation that has lasted for six (6) months or more which makes it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around in the home.

A fair share factor for each state was developed by taking the sum of the three elements within each state as a percentage of the sum of the three elements for the total United States. The resulting percentage for each state was then adjusted to reflect the relative difference in the cost of providing housing among the states. The total of the grant funds available ($78 million) was multiplied by the adjusted fair share percentage for each state, and the resulting funds for each state were totaled for each Hub.

The ALCP grant funds fair share allocations, based on the formula above, to the 18 multifamily Hubs are as shown on the following chart:

FISCAL YEAR ALLOCATION 2002 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS

HUB	Grant authority
Boston	4,726,439
Buffalo	2,091,360
New York	4,497,621
Philadelphia	8,527,962
Baltimore	3,183,601
Greensboro	3,276,631

FISCAL YEAR ALLOCATION 2002 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS—Continued

HUB	Grant authority
Atlanta	5,712,662
Jacksonville	6,746,209
Chicago	5,957,418
Columbus	3,345,185
Detroit	2,733,470
Minneapolis	2,843,015
Fort Worth	5,972,447
Kansas Coty	4,841,730
Denver	1,728,217
Los Angeles	4,574,289
San Francisco	4,649,855
Seattle	2,591,889
Total	78,000,000

III. Program Description; Eligible and Ineligible Applicants, Developments, and Activities

(A) *Program Description.* Assisted living facilities (ALFs) are designed to accommodate frail elderly persons and people with disabilities who need certain support services (e.g., assistance with eating, bathing, grooming, dressing and home management activities). ALFs must provide support services such as personal care, transportation, meals, housekeeping, and laundry. Frail elderly person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. Assisted living is defined in section 232(b)(6) of the National Housing Act (12 U.S.C. 1715w).

The ALCP provides funding for the physical costs of converting some or all of the units of an eligible multifamily development into an ALF, including the unit configuration, common and services space and any necessary remodeling, consistent with HUD or the State's statute/regulations (whichever is more stringent). Typical funding will cover basic physical conversion of existing project units, common and services space. There must be sufficient community space to accommodate a central kitchen or dining facility, lounges, recreation and other multiple-areas available to all residents of the project, or office/staff spaces in the ALF. When food is prepared at an off-site location, the preparation area of the facility must be of sufficient size to allow for the installation of a full kitchen, if necessary. You must provide supportive services for the residents either directly or through a third party. Your application must include a firm commitment for the supportive services to be offered within the ALF as part of the application. You may charge assisted living residents for meals and/or service fees. Residents may contract with third party agencies directly for nursing, therapy or other services not offered by the ALF.

(B) *Program Requirements.* The following program requirements apply: (**Note:** Program Requirements described in paragraphs 3, (8)(a) and (b), and (12) below are not applicable to applicants requesting funding to convert commercial facilities):

(1) Your ALF facility must be licensed and regulated by the state (or if there is no state law providing such licensing and regulation, by the municipality or other subdivision in which the facility is located). Each assisted living unit must include its own kitchen, bathroom, living/dining area (1 bedroom unit) or bedroom/living/dining area (efficiency unit) and must meet the state and/or local licensing, building, zoning and other requirements for an ALF.

(2) Your ALF must be available to qualified elderly persons and persons with disabilities, consistent with the rules and payment plans of the State, who need and want the supportive services in order to remain independent and avoid premature institutionalization.

(3) Your ALF's residents must be tenants or residents of the multifamily project and must comply with the requirements applicable to the project. Thus, you cannot charge additional rent over what is charged to residents in the non-ALF portion of the project. All admissions to the ALF must be through the applicable project admissions office. However, persons accepted into the ALF also must sign an ALF admissions agreement which shall be an addendum to the applicable project lease.

(4) At a minimum, your ALF must provide room, board (as defined in Section III(B)(6)) of this NOFA) and continuous protective oversight (CPO). CPO involves a range of activities and services that may include such things as awareness by management and staff of the occupant's condition and location as well as an ability to intervene in a crisis for dependent and relatively independent occupants on a 24-hour basis. The two occupant groups in an ALF are:

(a) *Independent Occupants:* Awareness by management and staff of the occupant's condition and whereabouts as well as the availability of assistance for the occupants as needed.

(b) *Dependent occupants:* Supervision of nutrition, assistance with medication and continuous responsibility for the occupants' welfare.

(5) Anyone moving into an ALF unit must agree to accept as a condition of occupancy the board and services required for the purpose of complying with state and local law and regulation. *However, occupancy in an ALF unit may not be conditioned on receipt of other services or board not required by state or local requirements.*

(6) Your ALF must offer three meals per day to each resident.

(a) Residents in projects which were originally constructed without kitchens in their units must take such meals as required by their mandatory meals agreement, or by the state's mandated requirements if more stringent (e.g., 2 meals, 2 snacks daily).

(b) Residents whose apartments have kitchens must take at least the number of meals a day provided by the facility, per their mandatory meals requirement, or as required by state or local rules, if more stringent. If the facility does not have a mandatory meals plan, then state and local rules govern.

In either case, ALF management must coordinate meals requirements with the needs of residents who are out part of the day (e.g., in day care). The meals program may not be operated at a profit by the project owner.

(7) Your ALF's operation must be part of the project owner's management organization. Some or all of its functions may be contracted out. The ALF must predicate its budget on a two-tiered structure under which board and supportive service income and expenses must be maintained separately and independently from the regular income and expenses of the applicable project. The two components of ALF costs are:

(a) Charges/payment for board, which may be on a sliding scale or any other equitable fee system; and

(b) Charges/payment for necessary supportive services, which may include a combination of resident fees, Medicaid and/or other third party payments.

(8) Priority admissions for ALF units are as follows:

(a) Current residents desiring an ALF unit and meeting the program requirements (no resident can be required to accept an ALF unit).

(b) Qualified individuals or families needing ALF services who are already on the project's waiting list;

(c) Qualified individuals or families in the community needing ALF services wanting to be added to the project's waiting list; and

Note: Qualified disabled non-elderly persons needing assisted living services are

eligible to occupy these units on the same basis as elderly persons, except for section 202 project rental assistance contracts (PRAC) projects and unused/underutilized commercial properties.

(9) The management of the project must set up a separate waiting list for ALF units. ALF units must be for eligible residents who meet the admissions/discharge requirements as established for assisted living by State and local licensing, or HUD frailty requirements under 24 CFR 891.205 if more stringent.

(10) Costs of meals and supportive services are NOT covered by this HUD grant. These items must be paid for through other sources (e.g., a mix of resident fees and/or third party providers). Evidence of third party commitment(s) must be included as part of the application. (See Section IV(B) of this NOFA.) The assisted living supportive services program must promote independence and provide personal care assistance based on individual needs in a home-like environment (see Section VI(B)(8)(b) through (c) of this NOFA).

(11) Upon receipt of a grant under this program, all project owners participating in the ALCP must provide a Declaration of Restrictive Covenants (DRC), which will be recorded with the land, to retain the low income character of the housing, and to maintain the project (including the ALF), as a moderate, low, or very low income facility (as appropriate) for at least 20 years beyond the current 40-to-50 year term of the mortgage loan or capital advance. Recipients of grant funds to convert unused or underutilized commercial property must provide a DRC for at least 20 years or for the term of the mortgage on the property whichever is longer.

(12) This program does NOT allow permanent displacement of any resident living in the project at the time the application was submitted to HUD. (HUD will only provide temporary relocation costs for current tenants if they must vacate their unit while conversion work is underway (normal temporary relocation costs include increases in rent, reconnection of telephones, moving costs and appropriate out-of-pocket expenses)).

(13) The ALCP requires service coordination responsible for linking the ALF to services in the community which are available to low income persons. All projects funded under this NOFA must have sufficient service coordination in place, or request additional funds if appropriate, to ensure that services meeting licensing requirements are available to ALF residents on an ongoing basis. Service coordination must be described in the application (see Section VI(B)(8)(b) through (c) of this NOFA). If you need to enhance an existing service coordination program or add one where it does not exist, you may apply for funding through the Service Coordinator NOFA, published elsewhere in this SuperNOFA, and attach a copy of the Form HUD 424M so indicating the request to the ALCP application. Alternatively, you may show evidence that funding for the enhanced service coordination is provided by other sources and indicate such funding on the HUD Form 424M which is exhibit 10(c) of your ALF application. If you are funded under this NOFA and requested new or enhanced service coordination you will be funded first under the service coordinator NOFA.

Note: If you are a Section 202 PRAC project owner or an owner with unused or underutilized commercial properties, you are NOT eligible to request funding under the service coordinator NOFA. Section 202 PRAC owners can pay for the service coordinator out of PRAC funds.

In addition to above requirements, the following applicable guidelines are stated:

(a) The ALF must be staffed either directly or through coordination with local agencies, depending on state regulations or local requirements. These may also serve non-ALF residents of the project on a time available and appropriate fee basis.

(b) The ALF may cater to the special needs of residents depending on their condition or diagnosis, such as Alzheimer's disease. If it does so, the design/environment of such facilities must accommodate those needs, e.g., dementia special care unit. However, the ALF CANNOT provide a service it is not licensed by the State or locality to provide.

Note 1: Owners of section 202/PRAC projects are reminded that they may include a PRAC payment of up to $15/unit/month not to exceed 15% of the total program cost, consistent with 24 CFR 891.225(b)(2) to cover part of the cost of meals and/or supportive services for frail elderly residents, including residents of the ALF.

Note 2: Training for ALF staff is an eligible project cost under existing operating procedures.

For further information on ALFs, please refer to Handbook 4600.1, CHG–1, ''Mortgage Insurance for Residential Care Facilities,'' Chapter 13. This Handbook and recent ALF program Notices are accessible through HUDCLIPS on HUD's web site. The URL for the HUDCLIPS Database Selection Screen is *http://www.hudclips.org/subscriber/cgi/legis.cgi*. These notices are in the Handbooks and Notices—Housing Notices database. Enter only the number without the letter prefix (e.g., 99–16) in the ''Document number'' to retrieve the program notice.

For further guidance on service coordinators, please refer to Handbook 4381.5 REV–2, CHANGE–2, Chapter 8, ''The Management Agent's Handbook,'' which is also available through the HUDCLIPS database.

(C) *Eligible Applicants.* Only private nonprofit owners of eligible multifamily assisted housing developments specified in section 683(2) (B), (C), (D), (E), and (F) of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and private nonprofit owners of an unused or underutilized commercial property are eligible for funding. To be eligible, project owners must meet the following criteria where applicable:

(1) Must be in compliance with your Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance Contract, Rent Supplement or LMSA contract, or any other HUD grant or contract document.

(2) Must be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). See Section V(B) of this NOFA for further explanation.

Note: If your eligibility status changes during the course of the grant term, making it ineligible to receive the grant (e.g., prepayment of mortgage, sale/TPA of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD retains the right to terminate the grant and recover funds made available through this NOFA.

(D) *Eligible Developments.*

(1) Section 202 projects, Section 202 projects receiving rental assistance under Section 8, and Section 202 projects receiving project rental assistance under Section 202(C)(2). Rural housing projects assisted under Section 515 of the Housing Act of 1949 receiving Section 8 rental assistance are also included. Projects receiving project-based rental assistance under Section 8, among others, housing constructed, substantially rehabilitated or receiving moderate rehabilitation assistance under Section 8. Also included are housing financed by a below-market interest rate loan or mortgage insured under Section 221(d)(3) of the National Housing Act; and housing with financing insured, assisted or held by HUD or a State or State Agency under Section 236 of the National Housing Act. The housing projects must be owned by a private

nonprofit entity that is designated primarily for occupancy by elderly persons. The project must have been in occupancy for at least five years from the date the HUD–92485 Form Permission to Occupy Project Mortgages was issued and final closing must have been completed. Your project must:

(a) Meet HUD's Uniform Physical Conditions Standards at 24 CFR part 5, subpart G. Meeting these standards as described, means that the project, based on the most recent Real Estate Assessment Center (REAC) physical inspection report and responses thereto, must have a ''satisfactory'' rating as evidenced by a score of 60 or better or a HUD-approved and on schedule repair plan for developments scoring less than 60. Additionally, the project must have no uncorrected and outstanding Exigent Health and Safety violations. Finally, the project must not have on file a management review with a rating of ''minimally satisfactory'' or ''unsatisfactory'' with open and unresolved findings.

(b) Have a residual receipts account separate from the Reserve for Replacement account, or agree to establish this account as a condition for getting the award(s).

(2) Unused and underutilized commercial properties.

(E) *Ineligible Applicants.*

(1) Owners of developments designed specifically for people with disabilities.

(2) Owners of Section 232 developments.

(3) Property management companies and agents of property management companies.

(4) Limited dividend partnerships.

(5) Nonprofit Public Agencies.

(6) Owners of unused/underutilized hospitals or other health-related facility which are considered to be eleemosynary institutions rather than commercial enterprises.

(F) *Eligible Conversion Activities.* Eligible activities are:

(1) Retrofitting to meet Section 504 accessibility requirements, minimum property standards for accessibility and/or building codes and health and safety standards for ALFs in that jurisdiction. Examples are items such as addition of:

(a) Sprinkler systems;

(b) An elevator or upgrades thereto;

(c) Lighting upgrades;

(d) Major physical or mechanical systems of projects necessary to meet local code or assisted living requirements;

(e) Upgrading to accessible units for the ALF with movable cabinetry, accessible appliances, sinks, bathroom and kitchen fixtures, closets, hardware and grab bars, widening of doors, etc.;

(f) Upgrades to safety and emergency alert systems;

(g) Addition of hallway railings; and,

(h) Medication storage and work stations;

(2) Retrofitting to add, modify and/or outfit common space, office or related space for ALF staff including a service coordinator and file security, and/or a central kitchen/dining facility to support the ALF function (e.g., outfit lounge/common space/dining furniture, kitchen equipment for cooking/serving and dishware).

(3) Retrofitting to upgrade a regular unit to an accessible unit for a person/family with disabilities who is being displaced from an accessible unit in the portion of the project that is being converted to the ALF, where another accessible unit is not available.

(4) Temporary relocation (not applicable to commercial property).

(5) Consultant, architectural and legal fees.

(6) Vacancy payments not more than 30 days after conversion to an ALF.

(G) *Ineligible Activities.* You may not use funds available through this NOFA to:

(1) Add additional dwelling units to the existing project (not applicable to commercial property);

(2) Pay the costs of any of the necessary direct supportive services needed to operate the ALF;

(3) Purchase or lease additional land;

(4) Rehabilitate (see definition at 24 CFR 891.105) the project for needs unrelated directly to the conversion of units and common space for assisted living;

(5) Use the ALCP to reduce the number of accessible units in the project that are not part of the ALF (not applicable to commercial property);

(6) Permanently relocate any resident out of the project; and,

(7) Increase the management fee.

IV. Program Requirements

Each applicant must comply with the following requirements:

(A) *Statutory, Regulatory, and Other Program Requirements.* You must comply with all applicable statutory requirements to the projects specified in Section 202(b) and statutory requirements under Section 232(b)(6). Please note that all ALCP projects must conform to the 500-year flood plain limitation (See Section VII of this NOFA.) Construction of ALCP units is considered a ''critical action'' for purposes of the flood plain requirement.

Excess Residual Receipts (over $500/unit) and Reserve for Replacement (R4R) funds (over $1000/unit) in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied towards the cost of conversion activities. Before making this determination, however, HUD staff will consider the extent of repair/replacement needs indicated in the most recent REAC physical inspection and not yet approved and any ongoing commitments such as non-grant-based service coordinator or other funding, where existing, deduct the estimated costs of such items from the R4R and residual receipts balances to determine the extent of available residual receipts and R4R funds for the ALCP. (This paragraph is not applicable to commercial properties.)

If funded, you must also file a HUD Form-2530 for all construction contractors, architects, consultants, and service provider organizations under direct contract with you that will be engaged under this NOFA and comply with all State and local licensing, zoning and building code requirements.

(B) *Meals and Supportive Services.* You must develop and submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services which will be offered in the ALF to the appropriate state or local organization(s) which are expected to fund those supportive services. (See Section VI(B)(8) of this NOFA below, for the information which must be in the SSP.) You must submit one copy of your SSP to each appropriate State or local service funding organizations well in advance of the application deadline, for appropriate review. The State or local funding organization(s) must return the SSP to you with appropriate comments and indication of funding commitment, which you will then include with the application you submit to HUD.

You must ALSO submit the SSP to the appropriate organization(s) which license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

Finally, you must also submit an agreement to pursue appropriate ALF licensing in a timely manner.

(C) *Minimum Size Limits for an ALF.* An ALF must be economically feasible. Consistent with HUD Handbook 4600.1, CHG–1, the minimum size for an ALF is five units.

(D) *Economic Opportunities for Low and Very Low Income Persons (Section 3).* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low income persons and including people with disabilities.

(E) *Compliance with Fair Housing and Civil Rights Laws.* If you, the applicant (a) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; (b) are the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) have received a letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act of 1974, your application will not be evaluated under this NOFA if, the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline, HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(F) *Additional Nondiscrimination Requirements.* As you will be converting some of your project to an ALF, you should note that 24 CFR 891.120(b) requires you to meet all accessibility requirements. Additionally, you must comply with the section 504 regulations at 24 CFR part 8, the Americans with Disabilities Act and the regulations at 28 CFR part 36, as applicable.

(G) *Executive Order 12372.* Information regarding this requirement may be found in the General Section of the SuperNOFA.

(H) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* Owners are required to develop and maintain a written code of conduct in accordance with 24 CFR 84.42. Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct. You will also be required to sign the Conflict of Interest Resolution and include it in your application see Exhibit (10)(i).

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Business, and Women-Owned Business.* Information regarding this provision may be found in the General Section of the SuperNOFA. Upon acceptance of grant funds under the ALCP, Grantees must comply with the requirements pursuant to Executive Orders 11625 and 12432 (concerning Minority Business Enterprises) and Executive Order 12138 (concerning Women's Business Enterprise).

(J) *Compliance with Other Program Requirements:* By the submission of the application for grant funds, the Owner is certifying to comply with the following program requirements:

(1) Establish a residual receipt account as soon as there is surplus cash available, if applicable.

(2) Apply for an ALF license with due diligence and in a timely fashion.

(3) Comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing, and other certifications listed in the application.

(4) Comply with section 232 of the National Housing Act, as applicable, the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990 for all portions of the development physically affected by this proposal;

(5) Comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act as applied to this program. While it has been determined that Davis-Bacon does not apply statutorily to the ALCP, the Department has administratively determined that Davis-Bacon standards and overtime rates in accordance with the Contract Work Hours and Safety Standards Act will be adhered to in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds, owner funds, or any third party funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF portion of the project is 12 units or more.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to HUD.

HUD will screen all applications received by the deadline for curable deficiencies. With respect to correction of deficient applications, HUD may not, after the application due date and consistent with HUD's regulations in 24 CFR part 4, subpart B, consider any unsolicited information an applicant may want to provide. HUD may contact an applicant to clarify an item in the application or to correct technical deficiencies. Please note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of a response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, under this NOFA, the appropriate HUD Multifamily Hub Office will notify you in writing by describing the clarification or technical deficiency. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by the Hub Office within 14 calendar days of the date of receipt of the HUD notification. (If the

due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete, and it will not be considered for funding. The following is a list of the deficiencies that will be considered curable in ALCP applications:

Exhibits

(1) *(a) Articles of Incorporation, or certification of Articles of Incorporation.

*(b) By-laws, or certification of by-laws.

(3) Evidence of occupancy for at least five years (not applicable to commercial facilities).

(5) (c) Original project plans.

(h) Relocation (not applicable to commercial property).

(7) Evidence of Permissive Zoning.

(8) (g) Support Letters from Governmental Agencies that License ALFs.

(10) *Certifications, Forms and Resolution*

(a) Standard Form 424, Application for Federal Assistance and Compliance with Executive Order 12372.

(b) Standard Form 424D, Assurances Construction Programs.

(c) Form HUD 424M, Federal Assistance Funding Matrix.

(d) Form HUD–50070, Drug-free Workplace.

(e) Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities.

(f) Form HUD 2880, Applicant/Recipient Disclosure/Update Report including Social Security and Employment Identification numbers.

(g) Form HUD–2992, Certification Regarding Debarment and Suspension.

(h) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), for the Jurisdiction in which the Proposed ALF will be located.

(i) Conflict of Interest Resolution.

The appropriate Hub Office will notify you in writing if your application is missing any of the exhibits listed above and you will be given 14 days from the date of receipt of the HUD notification to submit the information required to cure the noted deficiencies. The exhibits identified by an asterisk (*) must be dated on or before the application deadline date. If not so dated the application will be rejected.

After the completeness review, HUD staff will review your application to determine whether the application meets the threshold requirements listed below. Only if your application meets all the threshold requirements is it eligible to be rated and ranked. Applications that do not pass threshold will be rejected.

(B) *Threshold Review.* In order to pass threshold, you must:

(1) Be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a), and as noted earlier in this NOFA under Sections III(B)(2) and IV(E).

(2) Be an eligible applicant.

(3) Not request more funds than advertised.

(4) Additionally, HUD will also reject your application if the SSP and/or commitment and support letter(s) from the appropriate funding organizations and the appropriate licensing agency(ies):

(i) Are not submitted with your application;

(ii) Indicate that the ALF units, facilities, meals and supportive services to be provided are not designed to meet the special needs of the residents who will reside in the ALF as defined in this NOFA,

(iii) Do not show commitment for funding the meals and supportive services proposed; or

(iv) Indicate that the project as proposed will not meet the licensing requirements of the appropriate State/local agency(ies).

(C) *Review Panels*

The Office of Housing's Multifamily Hubs will establish panels to review all eligible applications that have passed threshold. The panels may include knowledgeable persons not currently employed by HUD.

(D) *Rating of Applications* (See paragraph below for selection of applications for commercial properties).

HUD staff teams will review and rate ALCP applications in accordance with the Ranking and Selection procedures (see Section V(F) of this NOFA below). All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating selection factors in Section V(G) of this NOFA. HUD reserves the right to reduce the amount requested in the application if any proposed components are ineligible or if the cost of items is not deemed reasonable. HUD will *NOT* reject an ALCP application based on technical review without notifying you of that rejection with all the reasons for the rejection, and providing you an opportunity to appeal. As discussed above, you will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the Multifamily Hub where the applications were sent originally. HUD staff will make a determination on an appeal before finalizing selection recommendations.

(E) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not longer than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefing must be made in writing and submitted to the local Hub in which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

(F) *Ranking and Selection Procedures.* (Paragraphs (F)(1)—(4) are not applicable to applicants of commercial properties.)

Applications submitted in response to this NOFA that are eligible, pass threshold and have a total score of 70 points (or more) are eligible for ranking and selection. (Applications for the conversion of commercial properties with a score of at least 70 points will not be ranked but will be submitted to HUD Headquarters for selection.)

(1) Hub staff teams will be established for ALCP review in each Hub to do the application ratings (see Section V(D) above). See list of Hubs in Appendix A of this NOFA.

(2) From within rank order, Hub staff teams in each of the 18 Hubs will select the highest ranked applications from within that Hub in order, that can be funded from within the dollars available. Each Hub will select applications based on rank order up to and including the last application that can be funded out of each Hub's allocation. Hubs must not skip over any applications in order to select one based on the funds remaining.

(3) After making the initial selections, however, Hubs may use any residual funds to select the next rank-ordered application by reducing the dollars requested by no more than 10 percent (10%) and reducing the number of units proposed, but in no case reducing the

number of units below the financial threshold feasibility of five ALF units.

(4) Funds remaining after these processes are completed will be returned to HUD Headquarters. HUD will use these funds to restore units to any project reduced as a result of using the residual grant funds in a Hub. Secondly, HUD will use these funds for selecting one or more additional applications based on the Hubs rating and rankings, beginning with the highest rated application within the 18 Hubs. Only one application will be selected per Hub from the national residual amount. If there are no approvable applications in other Hubs, the process will begin again with the selection of the next highest rated application within the remaining Hubs. This process will continue until all approvable applications are selected using the available remaining funds. If there is a tie score between two or more applications, and there are insufficient residual funds to cover all tied applications, HUD Headquarters staff will choose the winning application(s) by lottery and/or reduction of grant requests consistent with the instructions above.

(5) Up to 3 applications will be selected using the $15 million set-aside to provide grant funds to nonprofit applicants proposing to convert *unused or underutilized commercial property into assisted living.* HUD Multifamily Hubs will review applications for commercial properties for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Hub staff will forward applications to Headquarters providing the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date. Headquarters will select no more than 3 applications on a first-come, first-served basis that can be funded within the $15,000,000 available.

Note: Only applications that can be fully funded will be selected. If an application that cannot be fully funded is selected, it will be discarded and another application selected until an applicant is selected that is within the available remaining funds. Any remaining funds after this selection process will be returned to the funds allocated for eligible multifamily assisted projects.

(G) *Factors For Award Used To Evaluate and Rate Applications.*

HUD will rate ALCP applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) of this NOFA, below. The maximum number of points an application may receive under this program is 100.

(1) The Department encourages applicants to either partner, fund or sub-contract with grassroots organizations, particularly faith-based and other community-based organizations in conducting their work programs. (See the General Section of the SuperNOFA for the definition of ''grassroots organizations'').

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor addresses your capacity to carry out the conversion in a timely, cost-conscious and effective manner. It also reviews your experience with the supportive services which the ALF intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing and on-site health care. Submit information responding to this factor in accordance with Application Submission Requirements in Sections VI(B)(5)(a), (8)(h), and (2)(d) of this NOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to carry out a successful conversion of the project and to implement the plan to deliver the supportive services on a-long term basis, considering the following:

(1) (9 points) The practicality of your plan and timetable to carry out the physical conversion of the development to the ALF.

(2) (10 points) Your past experience in providing or arranging for supportive services either on or off site for those who are frail. (If you are applying to convert an unused or underutilized commercial facility to assisted living and you do not own or operate a project with frail elderly residents, you must provide information on any past experience in providing or arranging supportive services for those who are frail.) Examples are: Meals delivered to apartment of resident or in a congregate setting (2 points), arranging for or providing personal care (3 points), providing 24-hour staffing (1 point), providing or making available on-site preventive health care (2 points) and other support services (2 points).

(3) (1 point) Your organization is a ''grassroots'' organization as defined in the General Section of the SuperNOFA.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which the conversion is needed by the categories of elderly persons and persons with disabilities that the ALF is intended to serve (very low income elderly persons and people with disabilities who have limitations in three or more activities of daily living). The application must provide evidence of current needs among project residents (not applicable to applications proposing to convert unused or underutilized commercial facilities) and needs of potential residents in the housing market area for such persons including economic and demographic information on very-low income frail elderly and people with disabilities and information on current assisted living resources in the market area.

The factor also addresses your inability to fund the repairs or conversion activities from existing financial resources. In making this determination, HUD will consider project financial information or the organization's financial information for unused or underutilized commercial facilities. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(4)(a) through (d), (2)(c) and (9)(a) through (c) of the NOFA. In evaluating this factor, HUD will consider:

(1) (7 points) The need for assisted living among the elderly and disabled residents of the project taking into consideration those currently in need and the depth of future needs given aging in place. (Not applicable to applications to convert unused or underutilized commercial facilities to assisted living.)

(2) (3 points (10 points for applications to convert unused or underutilized commercial facilities to assisted living.)) The need for assisted living among very-low income elderly persons and people with disabilities in the housing market area.

(3) (9 points) Insufficient funding for any needed conversion work, as evidenced by the project's financial statements and specifically the lack of excess reserve for replacement dollars (R4R) and residual receipts. If the available R4R and residual receipts are less than 10% of the total funds needed − 9 points; if the available R4R and residual receipts are 10 − 50% of need = 5 points; and, if the available R4R and residual receipts are 51% or more of the total funds of needed = 0 points). For commercial properties, if the available working capital exceeds 10 percent of the total conversion = 5 points; if the working capital is less than 10 percent of the total conversion = 9 points.

(4) (1 point) The Department will provide one (1) point to those

applications which establish a connection between the proposed ALF and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

Rating Factor 3: Soundness of Approach (40 Points).

This factor addresses the quality and effectiveness of your proposal in addressing the proposed conversion, effectiveness of service coordination and management planning and the meals and supportive services which the ALF intends to provide. There must be a relationship between the proposed activities, the project's and the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Sections VI(B)(5)(b) through (e) and (h) and (7) and (B)(8))(a) through (e) and (g) and (h) of this NOFA.

In evaluating this factor, HUD will consider the following:

(1) (12 points) The extent to which the proposed ALF design will meet the special physical needs of frail elderly persons or persons with disabilities expected to be served at reasonable cost (consider the ALF design: meets needs = 12 points; ALF design partially meets needs = 6 points; and ALF design does not meet needs = 0 points).

(2) (12 points) The extent to which the ALF's proposed management and operational plan ensures that the provision of both meals and supportive services planned will be accomplished over time. (Consider ALF design/management plan: meets needs of management operations = 12 points; ALF design/management plan partially meets needs of management operations = 6 points; and ALF design/management plan does not meet needs of management operations = 0 points.)

(3) (7 points) The extent to which the proposed supportive services meet the anticipated needs of the frail elderly and disabled residents (consider Yes = 7 points; partially meets needs = 4 points; and, does not meet needs = 0 points); and

(4) (7 points) The extent to which the service coordination function is addressed and explained as onsite and sufficient, onsite and augmented or new, and addresses the ongoing procurement of needed services for the residents of the ALF (does meet = 7 points, partially meets = 4 points, does not meet = 0 points).

(5) (2 point) The extent to which there is an operating philosophy which promotes the autonomy and independence of the frail elderly persons it is intended to serve (is fully addressed = 2 points, no or not addressed = 0 points).

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's grant funds to achieve program purposes. For the ALCP to succeed, you *MUST* generate local funding for the necessary supportive services to operate the ALF. HUD also encourages local funding for some of the necessary conversion work, or other work needed in the project (*e.g.*, general modernization) which is *NOT* specifically linked to the ALF).

Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(5)(f), (g), and (B)(8)(f) of this NOFA.

(1) (5 points) The extent to which there are commitments for the funding needed for the meals and the supportive services planned for the ALF and that the total cost of the estimated budget of the ALF is covered. Consider 90% or more commitment for the total budget with no more than 10% general support = 5 points; 80–89.9% or more commitment for the total budget with no more than 20% general support = 4 points; 65–79.9% firm commitment with no more than 35% general support = 3 points; 40–64.9% firm commitment for the total budget with no more than 60% general commitment = 2 points; less than 40% firm commitment for the total budget with no more than 60% general support = 0 points.

(2) (3 points) The extent of local organizations' support which is firmly committed to providing at least 50 percent of the total cost of ALF conversion (consider 50% or more = 3 points, 20–49.9% = 2 points, and under 20% = 0 points).

(3) (2 points) The extent of local organizational support which is firmly committed to providing funds for additional repair or retrofit necessary for the project NOT specifically directed to activities eligible under this NOFA (consider yes = 2 points, no = 0 points).

Rating Factor 5: Coordination, Self-sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you have evidenced general support for conversion by participating in your community's Consolidated Planning Process, involving the residents in the planning process (not applicable to applications proposing to convert unused or underutilized commercial facilities); the extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities and are working toward addressing the need in a holistic and comprehensive manner through linkages with other activities in the community; the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living and the extent to which the project will be viable absent HUD funds but rely more on state, local and private funds. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(2)(a) through (d), (B)(8)(a)–(e) of this NOFA.

(1) (4 points) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but share common goals and objectives and are working together to meet objectives; the involvement of project residents (including minority residents) or their representatives, in the development of the ALCP application, and your intent to involve residents, in the development and operation of the project and in relocation planning (Minus two (−2) points if not addressed); (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on the involvement of elderly persons in the development of the ALCP application, and your intent to involve residents, in the development and operation of the project.)

(2) (2 points) The extent to which you demonstrated that you have been actively involved (or if not currently active, the steps you will take to become actively involved) in your community's Consolidated Planning/AI processes to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(3) (2 points) The extent to which your assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

(4) (2 points) The extent to which you demonstrate that the project will be viable absent HUD funds while relying more on state, local and private funds.

VI. Application Submission Requirements

(A) *Application—General.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B). In cases where your (i) articles of incorporation and (ii) by-laws have NOT changed since the project was originally approved by HUD, self-certification to that effect—that the documents on file with HUD are current—is sufficient. Items in Section VI(B) for which self-certification of currency is possible are denoted by a ''**''.

In addition to the relief of paperwork burden in preparing applications, you will not have to submit certain new/recent information and exhibits you have previously prepared. See individual item descriptions, below to identify such items. An example of such an item may be the FY 2001 Annual Financial Statement.

(B) *General Application Requirements.*

(1) Application Summary for the Assisted Living Conversion Program and Evidence that you are a private non-profit organization or nonprofit consumer cooperative and have the legal ability to operate an ALF program, per the following:

(a) Articles of Incorporation, constitution, or other organizational documents, or self-certification of these documents, if there has been no change in the Articles since they were originally filed with HUD;** and

(b) By-laws, (for non-profits) or self-certification of by-laws, if there has been no change in the by-laws since they were originally filed with HUD.**

(2) A description of your community ties and established linkages:

(a) A description of your links to the community at large and to the minority and elderly communities in particular; and

(b) A description of your efforts to involve elderly persons, including minority elderly persons and persons with disabilities in:

(i) The development of the application;

(ii) The development of the ALF operating philosophy;

(iii) Review of the application prior to submission to HUD; and

(iv) Your intent to involve elderly persons in the operation of the project or not.

Also, demonstrate that you made the application available to the residents of the project (in their language(s)) AND requested and considered comments from them (in their language(s)). Applicants of converted commercial facilities should indicate that the application will be made available to the residents of the project in their language(s) and will request and consider comments from them in their language(s).

(c) A description of your involvement in your community's Consolidated Planning and Analysis of Impediments to Fair Housing (AI) processes including:

(i) An identification of the lead/facilitating agency(ies) that organizes/administers the processes;

(ii) A listing of the Consolidated Plan/AI issue areas in which you participate; and

(iii) The level of your participation in the processes, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning and AI processes. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(d) A description of how the assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

(3) Evidence of your project being in occupancy for at least five years as of the date of application to HUD. (Not applicable to commercial facilities.)

(4) A market analysis of the need for the proposed ALF units, including information from both the project and the housing market, containing:

(a) Evidence of need for the ALF by current project residents: (Not applicable to commercial facilities.)

(i) A description of the demographic characteristics of the elderly residents currently living in the project, including the current number of residents, distribution of residents by age and sex, an estimate of the number of residents with frailties/limitations in activities of daily living and an estimate of the number of residents in need of assisted living services. (Not applicable to commercial facilities.)

(ii) A description of the services which are currently available to the residents and/or provided on or off-site and what services are lacking; (Not applicable to commercial facilities.)

(b) Evidence of the need for ALF units by very low income elderly and disabled households in the market area; a description of the trend in elderly and disabled population and household change; data on the demographic characteristics of the very low income elderly in need of assisted living services (age, race, sex, household size and tenure) and extent of residents with frailty/limitations in existing federally-assisted housing for the elderly (HUD and Rural Housing Service); and an estimate of the very low income elderly and disabled in need of assisted living taking into consideration any available State or local data.

(c) A description of the extent, types and availability and cost of alternate care and services locally, such as: Home health care, adult day care, housekeeping services, meals programs, visiting nurses, on-call transportation services, health care and providers of supportive services who address the needs of the local low income population.

(d) A description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the ALF (covering items in Section VI(B)(4)(a) and (b) of this NOFA).

(5) A description of the physical ALF conversion, including the following:

(a) How you propose to carry out the physical conversion (including a timetable and relocation planning).

(b) A short narrative stating the number of units, special design features, community and office space/storage, dining and kitchen facility and staff space and the physical relationship to the rest of the project. Also, you must describe how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over at least the next 10 years.

(c) A copy of the original plans for all units and other areas of the development which will be included in the conversion. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide a copy of the original plans of the facility).

(d) A description of the conversion must clearly address the following accessibility issues: All door openings must have a minimum clear opening of 32 inches; and, all bathrooms and kitchens must be accessible to and functional for persons in wheelchairs, according to the ''Uniform Federal Accessibility Standards.''

(e) Architectural sketches of the conversion to a scale of ¼ inch to one foot that indicate the following:

(i) All doors being widened;

(ii) Typical kitchen and bathroom reconfiguration: Show all wheelchair clearances, wall reinforcing, grab bars

and elevations of counters and work surfaces;

(iii) Bedroom/living/dining area modification, if needed;

(iv) Any reconfigured common space;

(v) Added/reconfigured office and storage space;

(vi) Monitoring stations, and

(vii) The kitchen and dining facility.

All architectural modifications must meet section 504 and ADA requirements as appropriate.

(f) A budget showing at least estimated costs for materials, supplies, fixtures and labor for each of the items listed in Section VI(B)(5)(e), items i through vii, above.

(g) Include firm commitment letters with specific dollar amounts from appropriate organization(s) for conversion needs (within the scope of the ALF conversion NOFA) which will be supported by non-HUD funding.

(h) A description of any relocation of current tenants including a statement that: (Not applicable to commercial property applicants.)

(i) Indicates the estimated cost of temporary relocation payments and other related services;

(ii) Identifies the staff organization that will carry out the relocation activities; and

(iii) Identifies all tenants that will have to be temporarily moved to another unit within the development OR from the development during the period that the physical conversion of the project is under way.

Note: If any of the relocation costs will be funded from sources other than the ALCP grant, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of conversion, temporary relocation, service coordinator and other project costs).

(6) A description of any retrofit or renovation which will be done at the project (with third party funds) that is separate and distinct from the ALF conversion. With such description, attach firm commitment letters from third party organizations in specific dollar amounts which will cover the cost of any work outside the scope of this NOFA.

(7) Evidence of permissive zoning, showing that the modifications to include the ALF into the project as proposed are permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully within six months of the date of grant award by HUD (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.);

(8) A supportive services plan (SSP), a copy of which must be submitted to the appropriate state and/or local agency as instructed in Section IV(B) of this NOFA. For those applicants needing to contact state Medicaid offices, a list is provided on the Internet at ''*www.hcfa.gov/medicaid/medicaid.htm*.'' The SSP must include:

(a) A description of the supportive services needed for the frail elderly the ALF is expected to serve. This must include at least (i) meals and such other supportive services required locally or by the State, and (ii) such optional services or care to be offered on an ''as needed'' basis.

Examples of both mandatory and optional services (which will vary from state to state) are: Two meals and two snacks or three meals daily; 24-hour protective oversight; personal care; housekeeping services; personal counseling and transportation.

(b) A description of how you will provide the supportive services to those who are frail and have disabilities (i.e., on or off-site or combination of on or off-site), including an explanation of how the service coordination role will facilitate the adequate provision of such services to ALF residents, and how the services will meet the identified needs of the residents. Also indicate how you intend to fund the service coordinator role.

(c) A description of how the operation of your ALF will work. Address: (i) General operating procedures; (ii) ALF philosophy and how it will promote the autonomy and independence of the frail elderly and persons with disabilities; (iii) what will the service coordination function will do and the extent to which this function already exists, or will be augmented or new; (iv) ALF staff training plans; and (v) the degree to which and how the ALF will relate to the day-to-day operations of the rest of the project.

(d) The monthly individual rate for board and supportive services for the ALF listing the total fee and components of the total fee for the items required by state or local licensing AND list the appropriate rate for any optional services you plan to offer to the ALF residents. Provide an estimate of the total annual costs of the required board and supportive services you expect to provide and an estimate of the amount of optional services you expect to provide.

(e) List who will pay for the board and supportive services (e.g., $__ for meals by sponsor, $__ for housekeeping services by city government; $__ for personal care by State Department of Health; $__ for __ by state __ program; $__ in fees by tenants; and, $__ by __).

The amounts and commitments from both tenants and/or providers must equal the estimated amounts necessary to cover the monthly rates for the number of people expected to be served. If you include tenant fees in the proposal, list and show any proposed scaling mechanism. All amounts committed/collected must equal the annualized cost of the monthly rates calculated by the expected percentage of units filled.

(f) A support/commitment letter from *EACH* listed proposed funding source per paragraph (e), above, for the planned meals and supportive services listed in the application. The letter must cover the total planned annual commitment (and multiyear amount total, if different), length of time for the commitment, and the amounts payable for each service covered by the provider/paying organization. There must be a letter from EACH participating organization listed in Section VI(B)(8)(e) of this NOFA, above.

(g) A support letter from *EACH* governmental agency which provides licensing for ALFs in that jurisdiction.

(h) A description of your relevant experience in arranging for and/or delivering supportive services to frail residents. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on your relevant experience in arranging for and/or delivering supportive services to frail elderly persons). The description should include any supportive services facilities owned/operated; your past or current involvement in any project-based programs that demonstrates your management capabilities. The description should include data on the facilities and specific meals and/or supportive services provided on a regular basis, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the services.

Note: If a funds request for service coordination for the ALF and/or the whole project is included as part of this application, the Form HUD–424M, indicating the dollars requested must be attached as Exhibit 10(c). Do NOT attach the whole service coordinator application.

(9) A description of your project's resources: (Items (9)(a)–(b) are not applicable to applicants of commercial property.)

(a) A copy of the most recent project Repair and Replacement (R4R) account statement, and an R4R analysis showing plans for its use over the next five years, and any approvals received from the HUD field office to date.

(b) A copy of the most recent Residual Receipts Account statement. Indicate any approvals for the use of such receipts from the field office for over $500/unit.

(c) Annual Financial Statement (AFS). If your FY 2002 AFS was due to REAC more than 120 days BEFORE the due date for this application, in the interest of reducing work burden, only include the date that it was sent to REAC. If the AFS was due to REAC 120 days or less from the due date of this application, you MUST include a paper copy. For commercial properties, the most recent financial statement or annual report.

(10) *Forms, Certifications and Resolutions.* The following exhibits, forms, certifications and assurances are required:

(a) *Standard Form 424, Application for Federal Assistance* and indication of whether you are delinquent on any federal debt and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the State agency (Single Point of Contact) for State review in accordance with Executive Order 12372 (see the General Section of the SuperNOFA for instructions in submitting this form).

(b) *Standard Form 424D, Assurances, Construction Programs.*

(c) *Form HUD 424M, Federal Assistance Funding Matrix.*

(d) *Form HUD–50070, Drug-free Workplace.* Certification to provide a drug-free workplace.

(e) *Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any federal transactions and disclosure of these activities, if applicable.

(f) *Form-HUD 2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employment Identification numbers.* A disclosure of assistance from other government sources received in connection with the project.

(g) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).*

(h) *Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan),* for the jurisdiction in which the proposed ALF will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth herein. The Plan regulations are published in 24 CFR part 91.

(i) *A certified Board Resolution that no officer or director of the Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

VII. Environmental Requirements

Your ALCP application is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. (See 24 CFR part 50, as applicable.) An environmental review will be completed by HUD before the award of any grant under this program. Pursuant to 24 CFR part 55, ALCP projects are critical actions for purposes of floodplain management review.

VIII. Authority

The Assisted Living Conversion Program is authorized by Section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q-2) and the Fiscal Year 2002 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act.

Appendix A.—HUD Field Office List for Mailing Assisted Living Conversion Program Applications

HUD—Boston Hub

Boston Office, Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453.

HUD—New York Hub

New York Office, 26 Federal Plaza—32nd Floor, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

HUD—Atlanta Hub

Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303-2806, (404) 331-5001, TTY Number: (404) 730–2654

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue—17th Floor, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

HUD—Ft. Worth Hub

Ft. Worth Office, 801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

HUD—Kansas City Hub

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Seattle Office, Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104–1000, (206) 220–5101, TTY Number: (206) 220–5185

Note: The first line of the mailing address for all offices is the U. S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

Appendix B

HUD—Boston Hub

Hartford Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office, Room 375, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453

Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—New York Hub

New York Office, 26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office, Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Washington, DC Office, 820 First Street, NE, Suite 300, Washington, D.C. 20002–4205, (202) 275–9200, TTY Number: (202) 275–0772

Richmond Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—Atlanta Hub

Atlanta Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Suite 600, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–3388 2806, (404) 331–5136 5001, TTY Number: (404) 730–2654

San Juan Office, Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office, Suite 200, 251 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

Birmingham Office, Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209–3144, (205) 290–7617, TTY Number: (205) 290–7624

Jackson Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

Indianapolis Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office, Trade Center Building, 50 Louis Street, NW. Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

Cleveland Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—Ft. Worth Hub

Little Rock Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office, 801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

Houston Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—Great Plains

Des Moines Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

Omaha Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

Phoenix Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

Honolulu Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106,

(213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Portland Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

Note: The first line of the mailing address for all offices is the U. S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

APPENDIX C

The non-standard forms required for the ALCP application.

BILLING CODE 4210–32–P

APPENDIX C

EXHIBIT I

Multifamily Housing
Assisted Living Conversion Program
APPLICATION SUMMARY SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Owner (Funds Recipient) Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

E-mail address _____

List the specific development(s) targeted for assistance under this grant. Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Number of Residents _____ Estimated number of frail elderly _____

Estimated number of non-elderly people with disabilities _____

Estimated number of at-risk elderly _____

Are you applying for a Service Coordinator Grant? _____ Yes _____ No

Will this development share a service coordinator with other developments? _____ Yes _____ No
If yes, please give name and address of the development(s) if different.

_____

_____

_____

Senators 1. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

EXHIBIT 10(i)

OWNER'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects - Application for Grant

Owner:
Project Location:

WHEREAS, Section 202b of the Housing Act of 1959, as amended, authorizes the making of grants to owners of eligible multifamily housing projects designated for the elderly for conversion (in whole or in part) into assisted living facilities for elderly persons.

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the owner from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the owner with its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the owner corporation, if different, certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some owners have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required owners Conflict of Interest and Disclosure Certifications until no later that 45 days after receipt by the owner of an approval letter for funding for a grant under the Assisted Living Conversion Program (ALCP) if such certifications are provided by all the owner's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of submission of the owner's ALCP application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after ALCP conversion projects have been selected and funds granted, it is hereby resolved and agreed by the Boards of Directors of the owner:

1. That both entities will submit updated Incumbency Certificates, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for the ALCP grant.

2. That no officer or director of the owner has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the grant will be subject to cancellation by HUD if the officers or directors of the owner fail to submit Conflict of Interest and Disclosure Certifications duly executed.

4. That no HUD ALCP grant will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the owner shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the owner's officers or directors, the owner will exercise its best efforts to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the owner on the _____ date of _____, _____.

_____

Authorized Signature

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Program Overview

Purpose of the Program. This program provides funding for supportive housing for very low-income persons with disabilities who are at least 18 years old. Additionally, organizations receiving funds must assure that an array of community support services are identified and available. (Please note that funding for a related program, Mainstream Housing Opportunities for Persons with Disabilities, is found elsewhere in this SuperNOFA.)

Available Funds. Approximately $117.5 million.

Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service (See Section III(B) of this NOFA). (See Section VIII of this NOFA for information regarding the formation of the Owner corporation.)

Eligible Activities. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing (see Section III(C) of this NOFA).

Application Deadline. June 5, 2002.

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application on or before 6:00 pm, local time, on June 5, 2002, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the application submission requirements to HUD field offices. Only Section 811 applications mailed via the United States Postal Service will be accepted.

Address for Submitting Applications. Submit your completed application (an original and four copies are required) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to this program section of the SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800-HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov/grants. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the Section 811 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants* and from the appropriate Multifamily Hub Office or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Gail Williamson at HUD Headquarters at (202) 708–2866, or access the Internet at *http://www.hud.gov/grants*. Persons with hearing and speech impairments may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

HUD encourages minority organizations and grassroots organizations (e.g., civic organizations, congregations and faith-based and other community-based organizations) to participate in this program and strongly recommends prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions regarding the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov/grants*.

II. Amount Allocated

For FY 2002, $117,475,266 for capital advances is available for the Section 811 Program of Supportive Housing for Persons with Disabilities. The FY 2002 HUD Appropriations Act (Pub.L. 107–73, approved November 26, 2001) (HUD Appropriations Act) provides $240,865,000 for capital advances, including amendments to capital advance contracts; for supportive housing for persons with disabilities, as authorized by section 811 of the National Affordable Housing Act of 1990 (NAHA); and for project rental assistance for supportive housing for persons with disabilities under section 811 of the NAHA, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term and for tenant-based rental assistance contracts entered into pursuant to section 811 of the NAHA. Of this amount, $600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

Twenty-five percent (25%) of $215,823,000 or $53.9 million (the amount remaining after the deductions for project rental assistance contract (PRAC) renewals, renewals of expiring contracts for tenant-based assistance and the amount to be transferred to the Working Capital Fund) is being set aside for tenant-based rental assistance for

persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program which is found elsewhere in this SuperNOFA.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 811 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY 2002 formula consists of two data elements from the 1990 Decennial Census: (1) the number of non-institutionalized persons age 16 or older with a work disability and a mobility or self-care limitation and (2) the number of non-institutionalized persons age 16 or older having a mobility or self-care limitation but having no work disability.

A work disability is defined as a health condition that had lasted for 6 or more months which limited the kind (restricted the choice of jobs) or amount (not able to work full time) of work a person could do at a job or business. A mobility limitation is defined as a health condition that lasted for 6 or more months, making it difficult for the person to go outside the home alone. This includes outside activities, such as shopping or visiting a doctor's office. A self-care limitation is defined as a health care limitation that had lasted for 6 or more months which made it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around inside the home. Temporary (short term) problems such as broken bones that are expected to heal normally are not considered problems.

Under the Section 811 Program, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each HUD Office jurisdiction whose fair share would exceed the set-aside based on the allocation formula fair share factors described below.

The fair share factors were developed by taking the sum of the number of persons in each of the two elements for each state, or state portion, of each local HUD Office jurisdiction as a percent of the sum of the two data elements from the Decennial Census, described above, for the total United States. The resulting percentage for each local HUD Office is then adjusted to reflect the relative cost of providing housing among the local HUD Office jurisdictions. The adjusted needs percentage for each local HUD Office is then multiplied by the total amount of capital advance funds available nationwide.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 local HUD Offices as shown on the following chart:

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Fiscal Year 2002 Allocations for Supportive Housing for Persons with Disabilities

[Fiscal Year 2002 Section 811 Allocations]

Office	Capital Advance Authority	Units
Boston Hub:		
Boston	$2,976,663	33
Hartford	1,936,740	23
Manchester	1,271,053	19
Providence	879,638	10
Total	**7,064,094**	**85**
New York Hub:		
New York	7,648,935	68
Total	**7,648,935**	**68**
Buffalo Hub:		
Buffalo	2,299,638	29
Total	**2,299,638**	**29**
Philadelphia Hub:		
Newark	4,112,294	44
Pittsburgh	1,980,587	28
Philadelphia	3,953,620	48
Charleston	1,386,307	20
Total	**11,432,808**	**140**
Baltimore Hub:		
Baltimore	1,784,474	24
Richmond	1,720,331	28
D.C.	1,883,997	25
Total	**5,388,802**	**77**
Greensboro Hub:		
Columbia	1,880,200	28
Greensboro	3,294,280	41
Total	**5,174,480**	**69**

Atlanta Hub:		
Atlanta	2,466,215	40
San Juan	2,650,388	28
Louisville	1,901,310	29
Knoxville	1,243,966	21
Nashville	1,417,019	23
Total	**9,678,898**	**141**
Jacksonville Hub:		
Jacksonville	4,539,477	75
Birmingham	2,046,309	33
Jackson	1,545,040	26
Total	**8,130,826**	**134**
Chicago Hub:		
Chicago	5,019,623	58
Indianapolis	2,172,915	32
Total	**7,192,538**	**90**
Columbus Hub:		
Cincinnati	1,372,687	21
Cleveland	2,506,192	34
Columbus	1,359,500	21
Total	**5,238,379**	**76**
Detroit Hub:		
Detroit	3,023,387	40
Grand Rapids	1,215,602	19
Total	**4,238,989**	**59**
Minneapolis Hub:		
Milwaukee	1,975,162	25
Minneapolis	1,851,097	23
Total	**3,826,259**	**48**
Fort Worth Hub:		
Fort Worth	2,712,704	45
Houston	1,811,282	30
Little Rock	1,317,626	24
New Orleans	1,911,260	32
San Antonio	1,655,717	29
Total	**9,408,589**	**160**
Kansas City Hub:		
Des Moines	1,268,970	20
Kansas City	1,764,278	26
Omaha	679,936	10
Oklahoma City	1,410,061	25
St. Louis	1,808,839	24
Total	**6,932,084**	**105**

Denver Hub:		
Denver	2,063,368	31
Total	**2,063,368**	**31**
San Francisco Hub:		
Honolulu (Guam)	1,711,728	10
Phoenix	1,513,446	23
Sacramento	1,643,154	19
San Francisco	4,469,565	43
Total	**9,337,893**	**95**
Los Angeles Hub:		
Los Angeles	7,108,940	85
Total	**7,108,940**	**85**
Seattle Hub:		
Anchorage	1,711,728	10
Portland	1,654,235	23
Seattle	1,943,783	24
Total	**5,309,746**	**57**
National Total	**$117,475,266**	**1,549**

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to construct, rehabilitate, or acquire structures (including structures from the Federal Deposit Insurance Corporation (FDIC)), to be developed into a variety of housing options described in Section III(C) below. Capital advance funds may also be used in combination with other non-Section 811 funding sources to develop additional units for a mixed-finance or mixed-use project. (See Note below.) Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for at least 40 years for occupancy by very low-income persons with disabilities. PRAC funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units if the Sponsor has legal control of an approvable site and the additional units do not cause the project to exceed the project size limits if they will also house persons with disabilities. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

(B) *Eligible Applicants.* Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants for this program. A Sponsor or Co-sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub. In addition, a Sponsor or Co-sponsor may not apply for more units in a given HUD Office than allocated for the Section 811 program in that HUD Office, or for more than 10 percent of the total units allocated in all HUD offices. If the proposed project will be an independent living project, your application must request at least five units, not necessarily in one structure. If your proposed project will be a group home, your Sponsor must request at least two units per group home. If your proposed project will be a combination of an independent living project and a group home, your application must request at least the minimum number of units for each project type. Affiliated entities that submit separate applications are considered a single entity for the purpose of these limits.

(C) *Eligible Activities.* The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in multifamily housing developments, condominium and cooperative housing and small group homes.

(Note: You may propose to rehabilitate an existing currently-owned or leased structure that may or may not already serve persons with disabilities.)

(D) *Ineligible Activities.* Section 811 funds may not be used for any of the following:

(1) Nursing homes, infirmaries and medical facilities;

(2) Transitional housing facilities;

(3) Manufactured housing facilities;

(4) Intermediate care facilities;

(5) Community centers, with or without special components for use by persons with disabilities;

(6) Sheltered workshops and centers for persons with disabilities;

(7) Headquarters for organizations for persons with disabilities; and

(8) Refinancing of Sponsor-owned facilities without rehabilitation.

IV. Program Requirements

By signing Form HUD–92016, Application for a Section 811 Capital Advance, you are certifying that you will comply with the program requirements listed in the **General Section** of this SuperNOFA as well as the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all statutory and regulatory requirements listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) below, must be used to determine the capital advance amount reserved for projects for persons with disabilities:

(a) *For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing:* The total development cost of the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you will pay for) may not exceed:

Non-elevator structures:

$41,238 per family unit without a bedroom;

$47,548 per family unit with one bedroom;

$57,344 per family unit with two bedrooms;

$73,400 per family unit with three bedrooms;

$81,770 per family unit with four bedrooms.

For elevator structures:

$43,398 per family unit without a bedroom;

$49,748 per family unit with one bedroom;

$60,493 per family unit with two bedrooms;

$78,257 per family unit with three bedrooms;

$85,902 per family unit with four bedrooms.

(b) *For group homes only:*

TYPE OF DISABILITY

# Residents	Physical/ develop-mental	Chronic mental illness
2	$166,022	$160,262
3	178,533	172,340
4	191,045	183,069
5	203,556	193,798
6	216,054	204,527

(c) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

(2) *Increased development cost limits.*

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(c) For group homes only, HUD Offices may approve increases in the development cost limits in Section IV(C)(1)(b), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is evidence of at least three land sales which have actually taken place (listed prices for land are not acceptable) within the last two years in the area where your project is to be built. The average cost of the documented sales must exceed ten percent of the development cost limit for your project in order for an increase to be considered.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount not to exceed a maximum of $10,000 in accordance with 24 CFR 891.145.

(E) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for persons with disabilities, you should note 24 CFR 891.310, which requires that your project meet accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible, in accordance with 24 CFR 891.120, 891.310 and section 504 of the Rehabilitation Act of 1973, without resulting in an infeasible project. HUD also encourages you to add accessible design features beyond those required under civil rights laws and regulations. See Section VI(C) of the **General Section** of this SuperNOFA, entitled ''Encouraging Accessible Design Features.''

(F) *Conducting Business in Accordance With Core Values and Ethical Standards.* Section 811 Sponsors are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the **General Section** of this SuperNOFA. However, Sponsors are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to submit a signed Conflict of Interest Resolution and include it in your application. Further, if awarded a Section 811 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 811 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

(G) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 811 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the **General Section** of the SuperNOFA, you are required to comply with Executive Order 12432—Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

(H) *Fair Housing Requirements.* You must comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity. You are required to affirmatively further fair housing in conducting your programs or activities in accord with Section II(D) of the **General Section** of the SuperNOFA entitled, ''Affirmatively Furthering Fair Housing.''

(I) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons) and its implementing regulations at 24 CFR part 135. To comply, you must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, toward low and very low income persons, particularly those who are recipients of government assistance for housing; and to business concerns which provide economic opportunities to low and very low income persons. To comply with section 3 requirements, you are required to strongly encourage the general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

(J) *Design and Cost Standards.* You must comply with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(K) *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land: (1) That you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation, with reasonable evidence of the basis for the estimate.

(L) *Formation of Owner Corporation.* You must form an ''Owner'' in accordance with 24 CFR 891.305 after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(M) *Supportive Services.* You are required to include a Supportive Services Plan and a certification from the appropriate State or local agency that the provision of services identified in your Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Section VI(B)(4)(e) of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the State or local agency to review your Supportive Services Plan and complete the Supportive Services Certification and return it to you so that you can include it in the application you submit to HUD.

(1) HUD will reject your application if the supportive services certification:

(i) Is not submitted with your application *and* is not submitted to HUD within the 14-day cure period; or

(ii) Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project; or

(iii) Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(2) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's supportive services certification indicates—or, where the agency fails to complete item 3 or 4 of the certification, HUD determines that:

(i) You failed to demonstrate that supportive services will be available on a consistent long-term basis; and/or

(ii) The proposed housing is not consistent with State or local agency plans/policies addressing the housing needs of people with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident.

You must not require residents to accept any supportive services as a condition of occupancy or admission.

(N) *Davis-Bacon.* You must comply with the Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

(O) *Flood Disaster Protection Act of 1973.* You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

(P) *National Environmental Policy Act.* You must comply with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b).

(Q) *Sites.* (1) NAHA requires you to provide in your application either:

(a) Evidence of site control, or

(b) A reasonable assurance that you will have control of a site within six months of notification of fund reservation.

(2) Accordingly, if you have control of a site at the time you submit your application, you must include evidence of such as described in Section VI(B)(4)(d)(i) of this program section of the SuperNOFA relative to site control. If you do not have site control of one or more of your sites, you must provide the information required in Section VI(B)(4)(d)(ix) of this program section of the SuperNOFA under ''site identified'' for any site not under control as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

(3) Under Criterion (a) of Rating Factor 3 in Section V(D), below, related to your proposed site, your application has the potential of earning 17 points. Criterion (a)(i) is related to site approvability and is worth a maximum of 7 points. Five points for Criterion (a)(ii) will be awarded if your project will represent an integrated housing model (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). Criterion (a)(iii) which is worth five points for site control will be awarded as outlined in Section IV(D)(5) below. Regardless of whether you submit evidence of site control or have identified a site without obtaining control of the site, the site will be evaluated based on its proximity or accessibility to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended tenants.

(4) To meet the ''proximity'' or ''accessibility'' test, you must demonstrate that community services and amenities described above are either near or accessible to the residents. Sites where the community services and amenities described above are either near or accessible to the residents other than solely by a project residence or private vehicle will be rated more favorably than sites where residents must depend upon the project residence or private vehicle to access such community services and amenities. Your application will also be evaluated to determine whether it complies with the site and neighborhood standards in 24 CFR 891.125.

(5) Criterion (a)(iii) relates to the existence of legally acceptable site control. If you:

(a) Submit evidence of site control for all proposed sites in your application,

(b) The evidence is determined to be legally acceptable for all of the sites, and

(c) All of the sites are approvable (i.e., receive a score of 1 or higher for Criterion (a)(i), your application will receive 5 points for Criterion (a)(iii).

(d) If any of your proposed sites are not permissively zoned, one (1) point will be deducted in Criterion 3(a)(iv).

(6) If your application contains evidence of site control where either the evidence or the site is not approvable, your application will *not* be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification.

(R) *Project Size Limits.*

(1) *Independent living project*—The minimum number of units that can be applied for in one application is five; not necessarily in one structure. The maximum number of persons with disabilities that can be housed in an independent living project is 14 plus one additional one or two bedroom unit for a resident manager, if necessary.

(2) *Group home*—The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. An additional one or two bedroom unit can be provided for a resident manager. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom.

(S) *Lead-Based Paint.* You must comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35.

(T) *Truth and Accuracy.* By signing your application, you are certifying that the information you are providing to HUD in your application under the

Section 811 Program of Supportive Housing for Persons with Disabilities is true and accurate, to the best of your knowledge.

(U) *Expiration of Section 811 Funds.* The FY 2002 HUD Appropriations Act requires HUD to obligate all Section 811 funds appropriated for FY 2002 by September 30, 2004. Under 31 USC 1551, no funds can be disbursed from this account after September 30, 2009. Under Section 811, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project owner by September 30, 2009, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application, you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2009. Furthermore, absent Congressional relief, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2009. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to the appropriate HUD office. HUD will screen all applications received by the deadline to determine if there are any curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of your application. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

Exhibits

(1) Form 92016–CA (Application Form)*
(2) (a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4) (c)(ii) Energy efficiency
(d)(vii) Letter from the State Historic Preservation Officer (SHPO)
(d)(viii) Seek alternate site
(e) Supportive Services Plan
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance (and compliance with Executive Order 12372)*
(b) Form-HUD 50070, Certification of a Drug-Free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(g) Conflict of Interest Resolution
(h) Resolution for Commitment to Project*
(j) Supportive Services Certification

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will give you 14 days from the date of the notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the **General Section** of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office.

The HUD Office will make a determination on an appeal before making its selection recommendations. Your application(s) will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, your application will be rated according to the Rating Factors in Section V(D) below.

If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

(C) *Ranking and Selection Procedures.* Applications that have a total base score of 70 points or more (without the addition of EC/EZ bonus points) and meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA will be eligible for selection and will be placed in rank order. HUD will select applications, after adding any bonus points for EC/EZ, based on rank order, up to and including the last application that can be funded out of each HUD Office's allocation. HUD Offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After this process is completed, residual funds from all HUD Offices within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds, to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than 5 units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these funds first to restore units to projects reduced by HUD Offices as a result of the instructions for using their residual funds. HUD Headquarters will then use these funds for selecting applications based on field offices' rankings, beginning with the highest rated application nationwide. Only one application will be selected per HUD Office from the national residual amount. If there are no approvable applications in other HUD Offices, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in Section

VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two (2) EZ/EC bonus points, as described in the **General Section** of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), (B)(3)(e), and (B)(5) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a)(i) (**11 POINTS**) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.,* number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(a)(ii) (**1 POINT**) Your organization is a ''grassroots'' organization as defined in the **General Section** of this SuperNOFA.

(b) (**8 POINTS**) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and disability communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Appendix section of the Office of Management and Budget's (OMB) **Federal Register** Notice entitled ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' and dated October 30, 1997 (62 FR 58782–90). This notice contains the definitions of the various racial and ethnic data categories that were used in the 1990 Census. It can be found on the OMB Web site at: *www.whitehouse.gov/omb/fedreg/ombdir15.html.*

(c) (**5 POINTS**) You have experience in developing integrated housing (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

(d) (**−2 POINTS**) A fund reservation you received under either the Section 811 program of Supportive Housing for Persons with Disabilities or the Section 202 program of Supportive Housing for the Elderly has been extended beyond 36 months (except if the delay was beyond your control). Examples of such delays include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

(e) (**−1 POINT**) Amendment money was required as a result of the delay in (d) above (except if the delay was beyond your control).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing comparable subsidized housing for persons with disabilities and current occupancy in such housing, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (38 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2)(d), (B)(4)(c), (B)(4)(d), and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) (**7 POINTS**) Site approvability—The proximity or accessibility (other than by sole means of a project residence or private vehicle) of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e);

(a)(ii) (**5 POINTS**) Integrated model—If your project will be an integrated model as described in Section IV(Q) above, your application will receive 5 points for this Criterion.

(a)(iii) (**5 POINTS**) Site control—If your application contains legally acceptable site control for all proposed sites and all of the proposed sites are approvable (i.e., receive a score of 1 or higher on Criterion (a)(i)), your application will receive 5 points for site control.

(a)(iv) (**−1 POINT**) One or more of your proposed sites is not permissively zoned for the intended use.

(b) **(8 points)** The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. If appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods if located in such a neighborhood. (''Nonminority area'' is defined as one

in which the minority population is lower than 10 percent.); or

—Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(ii) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

—The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,

—The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or

—In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

(c) **(4 points)** The extent to which the proposed design of the project, including both the exterior and interior design, will meet the individual needs of persons with disabilities the housing is expected to serve;

(d) **(4 points)** The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible; and

(e) **(5 points)** At least 51% of your board members are persons with disabilities.

(f) **(–1 point)** Your application did not include a plan for completing your project within the initial fund reservation period of 18 months.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) **(5 points)** The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) **(5 points)** The extent of your activities in the community, including previous experience in serving the area where the project is to be located, developing integrated housing models and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (12 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations that will not be directly involved in the proposed project, participate or promote participation in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), and are working towards addressing a need in a holistic and comprehensive manner to ensure that the project will not operate in isolation. This factor also addresses the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h), (B)(3)(i) and (B)(3)(j) of Section VI of this program section of the SuperNOFA.

(a) **(3 points)** You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project;

(b) **(2 points)** The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD Office) that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(c) **(2 points)** The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice) to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) **(2 points)** The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments; and

(e) **(2 points)** The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period.

(f) **(1 point)** Your project will provide activities that will improve computer access, literacy and employment opportunities (*e.g.,* programs that can teach residents how to use computers to achieve educational goals and economic self-sufficiency through job training and placement).

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the **General Section** of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(i) of Section VI of this program section of the SuperNOFA.

(E) *Applicant Debriefing.* In accordance with the **General Section** of this SuperNOFA, you may request a debriefing on your application. The request must be made in writing to the Director of Multifamily Housing in the HUD Field Office to which you sent your application no sooner than 30 days after the awards for assistance are announced in the **Federal Register**. Materials provided to you during your debriefing will be the score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Section VI(B)(2)(a), (b), and (c), below, of this

program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on information submitted in Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

(B) **General Application Requirements.** Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Note: You may apply for a scattered site project in one application.

(1) Form HUD–92016–CA, Application for Section 811 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a nonprofit organization, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by you and all Co-Sponsors, including churches).

Note: If you received a Section 811 Fund Reservation within the last three funding cycles, you are not required to submit the documents described in paragraph (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(2)(d) The number of people on your board and the number of those people who have disabilities.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community in which your project will be located and to the minority and disability communities in particular, including a description of the specific geographic area(s) in which you have served;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that you expect to serve in the proposed project (*e.g.*, the local center for independent living, the Statewide Independent Living Council);

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, and your experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded Section 811 or Section 202 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description of your efforts to involve persons with disabilities (including minority persons with disabilities) in the development of your application and in the development and operation of the project.

(3)(g) A description of the steps you took to coordinate your application with other organizations (*e.g.,* the local center for independent living), that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support your proposed project so that the project will provide a comprehensive and holistic solution to the needs of persons with disabilities. Also describe the steps you will take, if funded, to share information on solutions and outcomes relative to the development of your proposed project.

(3)(h) A description of your involvement in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the areas of the community's planning process in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations or any committees that support programs and activities that enhance projects, or the lives of residents of projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the community's planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area if that is the process you wish to become involved in.)

(3)(i) A description of the practical solutions you will implement which will enable the residents of your project to achieve independent living and economic empowerment. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include the activities you will undertake that will improve computer access, literacy and employment opportunities (*e.g.,* provide programs that can teach residents how to use computers to become educated as well as achieve economic self-sufficiency through job training and placement). And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(3)(j) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period. This description should address the measures you would take should any of the following occur: (1) funding for any of the needed supportive services becomes depleted or, (2) if, for any state funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose, or (3) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(4) Project information including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, State or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located;

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if independent living units (including dwelling units in multifamily housing developments, condominiums and cooperatives), number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; an identification of all community spaces, amenities, or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special project standards of § 891.310, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and a description of how the design of the proposed project will promote the integration of the residents into the surrounding community and create opportunities for independent living; and

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (*i.e.,* in addition to the Section 811 units) with the use of Section 811 capital advance funds in combination with other funding sources. See Section III.A. for further information regarding the additional units. Specify the number of Section 811 units and the number of additional units from non-Section 811 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 811 units and any responses thereto. You must also demonstrate your ability to proceed with the development of a Section 811 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding, or HUD disapproves your proposal for mixed-financing or mixed-use.

Note: Approval of the Section 811 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 811 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence of control of an approvable site, or identification of a site for which you provide a reasonable assurance that you will obtain control within 6 months from the date of fund reservation (if you are approved for funding).

Site control—If you are submitting an application with site control, you must submit the following:

(4)(d)(i) Acceptable evidence that you have site control, which is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 811 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six month option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier Section 811 or an FHA-insured mortgage), you must submit evidence that consent to release of the site from the mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. If HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of

the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the site will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a General Contractor (or its affiliate) that will construct the Section 811 project or from any other development team member.

(4)(d)(iii) Evidence that your project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make your proposed project permissible. You must provide the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, *etc.*).

Note: You should be aware that under certain circumstances the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then you must clearly articulate the basis for your reasonable accommodation theory.

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area as well as a description of the area surrounding the site, the characteristics of the neighborhood, how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning board, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved housing quality and services for all persons with disabilities.

(4)(d)(v) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration. For this competition, you should use the racial and ethnic data categories stated in the Appendix section of the October 30, 1997, Office of Management and Budget **Federal Register** Notice (62 FR 58782–90) (a copy may also be obtained at *http://www.whitehouse.gov/omb/fedreg/ombdir15.html),* and data from the 1990 Census of Population, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site. Data from the 1990 Census of Population may also be found at *www.factfinder.census.gov/servlet/BasicFactsServlet.*

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. The Phase I study is not a curable deficiency for the Section 811 Program. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site.

Note: You are not limited to acquiring properties from the FDIC. However, if the property is to be acquired from the FDIC, include a copy of the FDIC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control you must submit this information to the local HUD Office on or before July 5, 2002.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site(s) has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and

(*C*) A copy of the SHPO's response, if available.

(4)(d)(viii) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

Site identified—If you have identified a site, but do not have it under control, you must submit the following information:

(4)(d)(ix) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, and how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas;

(4)(d)(x) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding;

(4)(xi) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding;

(4)(d)(xii) A status of the sale of the site; and

(4)(d)(xiii) An indication as to whether the site would involve relocation.

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (e.g, only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(4)(e) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in Section IV(M) of this program section of the SuperNOFA) that includes:

(4)(e)(i) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred to and accepted for occupancy in the project.

(4)(e)(ii) Information concerning limitation of occupancy, if applicable. You may, with the approval of the Secretary, limit occupancy within housing developed under this program section of the SuperNOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability. If you are requesting approval to limit occupancy in your proposed project(s), you must submit the following:

(*A*) A description of the population of persons with disabilities to which occupancy will be limited;

(*B*) An explanation of why it is necessary to limit occupancy of the proposed project(s) to the population described in (4)(e)(ii) above. This should include but is not limited to:

—An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 Program; and,

—An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting

(*C*) A description of your experience in providing housing and/or supportive services to the proposed occupants; and

(*D*) A description of how you will ensure that the occupants of the proposed project(s) will be integrated into the neighborhood and surrounding community.

(4)(e)(iii) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(4)(e)(iv) A list of community service providers, including those that are consumer-controlled, and letters of intent to provide services to residents of the proposed project(s) from as many potential service providers as possible. You must make this list available to any residents who wish to be responsible for acquiring their own supportive services. However, a provider may not require residents to accept any particular service.

(4)(e)(v) The evidence of each service provider's capability and experience in providing such supportive services (applicable even if you will be the service provider);

(4)(e)(vi) Identification of the extent of State and/or local agency involvement in the project (*i.e.*, funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any State or local agency involvement, a description of the State or local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population;

(4)(e)(vii) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(*A*) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(*B*) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(*C*) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(4)(e)(viii) A description of how the residents will be afforded opportunities for employment.

(4)(e)(ix) An indication as to whether the project will include a unit for a resident manager; and

(4)(e)(x) A statement that you will not condition occupancy on the resident's acceptance of any supportive services.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD Office in response to this announcement of Section 811 Program funding availability or the announcement of funding availability for the Section 202 Program of Supportive Housing for the Elderly, published elsewhere in this SuperNOFA. Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Include a list of all FY 2001 and prior year projects to which you are a party. Identify each by project number and HUD Office and include the following information: (a) whether the project has initially closed and, if so, when, (b) if the project was older than 36 months when it initially closed or is older than 36 months now and has not initially closed, provide the reasons for the delay in closing; (c) whether

amendment money was or will be needed for any project in (b) above; and (d) those projects which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations) by race/minority group and status as owners or tenants occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons who have moved from the site within the last 12 months. (This requirement applies to applications with site control only. Sponsors of applications with identified sites that are selected will be required to submit this information at a later date once they have obtained site control.)

Note: If any of the relocation costs will be funded from sources other than the Section 811 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.,* cost of site acquisition, relocation, construction and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the **General Section** of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD 424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review in accordance with Executive Order 12372). (See instructions for submitting this form in the Consolidated Application Submissions section of the **General Section** of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510)*

—a certification attesting to the eligibility of your principals.

(7)(f) *Certification of Consistency with the Consolidated Plan (Plan) (Form HUD–2991)* for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(g) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term.

(7)(h) *A Certified Board Resolution acknowledging responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(i) *Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents. (This certification is not required if the project site(s) will not be located in an EZ/EC.)

(7)(j) *Supportive Services Certification.* A certification from the appropriate State or local agency identified in the application kit indicating whether the:

(7)(j)(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(7)(j)(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(7)(j)(iii) Supportive services will be available on a consistent, long-term basis; and

(7)(j)(iv) Proposed housing is consistent with State or local plans and policies addressing the housing needs of people with disabilities if the State or local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency will be identified in the application kit and can also be obtained from the appropriate HUD Office.)

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Formation of Owner Corporation for Development of Section 811 Projects and for Section 811 Projects Involving Mixed-Financing or a Mixed-Use Purpose.

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; i.e., all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, OR (2) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 811 units, a for-profit limited partnership with the nonprofit entity as the sole general partner.

IX. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101–625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992) (Pub.L. 102–550, approved October 28, 1992); the Rescissions Act (Pub.L. 104–19, approved July 27, 1995); the American Homeownership and

Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) and the fiscal year 2002 HUD Appropriations Act (Pub.L. 107–73, approved November 26, 2001) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly).

APPENDIX A: LOCAL HUD OFFICES

Notes: (1) The first line of the mailing address for all offices is U.S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

(2) Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

(3) Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

(4) Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

(5) Applications proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

HUD—Boston Hub

Hartford Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office, Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 994–8500, TTY Number: (617) 565–5453

Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—New York Hub

New York Office, 26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office, Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Richmond Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—Atlanta Hub

Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–2806, (404) 331–5001, TTY Number: (404) 730–2654

San Juan Office, Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office, Suite 200, 235 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

Birmingham Office, Medical Forum Building, 950 22nd St., North, Suite 900, Birmingham, AL 35203–5301, (205) 731–2630, TTY Number: (205) 731–2624

Jackson Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

Indianapolis Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office, Trade Center Building, 50 Louis Street, NW., Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–2540, TTY Number: (614) 469–6694

Cleveland Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—Ft. Worth Hub

Little Rock Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office, 801 Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–5965, TTY Number: (817) 978–5595

Houston Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—Great Plains

Des Moines Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

Omaha Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

Phoenix Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

Honolulu Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Portland Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

Appendix B

The non-standard forms, which follow, are required for your Section 811 Program application.

BILLING CODE 4210–32–P

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PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: Your Legal Status

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

(d) The number of people on your board and the number of board members who have disabilities _____

EXHIBIT 3: Your purpose, community ties and experience:

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large, to the target population, and description of geographic areas served _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

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(e) Housing and/or supportive services experience _____

(f) Efforts to involve target population _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's planning process including Analysis of Impediments to Fair Housing Choice:

(i) Agency that organizes/ administers the process _____

(ii) Identification of areas of community's planning process in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Description of practical solutions to be implemented _____

(j) Description of how project will remain viable _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE, SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

PAGE

(c) A narrative description of the project, including:

(i) Building design _____

(ii) Whether and how project will promote energy efficiency _____

(iii) If, applicable, description of plans and actions to create a mixed-finance/mixed-use project _____

(iv) Description of plan for completing project within 18 mth fund reservation period (optional) _____

(d) Evidence of site control and permissive zoning, **OR** identification of site if applying for Section 811 without having site control (in this latter case skip to **Identification of Site** below):

Evidence of Site Control:

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic

PAGE

Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

(C) SHPO's response, if available _____

(viii) Willingness to seek an alternate site _____

Identification of a Site:

(ix) Location of site _____

(x) Steps undertaken to identify site; what must be done to obtain site control _____

(xi) Whether site is properly zoned _____

(xii) Status of the sale of the site _____

(xiii) Whether the site would involve relocation _____

(e) Provision of supportive services:

(i) Description of occupancy _____

(ii) Request for approval to limit occupancy, if applicable, including:

(A) Description of population to which occupancy will be limited _____

(B) Why it is necessary to limit occupancy, including:

-- How goals of 811 will still be achieved _____

PAGE

-- Why housing and services needs cannot be met in more integrated setting _____

(C) Experience in providing housing and/or supportive services to proposed population _____

(D) How you will ensure occupants will be integrated into neighborhood and community _____

(iii) Supportive services needs of proposed population _____

(iv) List of community service providers with letters of intent _____

(v) Evidence of each service provider's capability and experience _____

(vi) Extent of State and local agency involvement in project _____

(vii) Letter indicating your commitment to make services available or coordinate their availability _____

(viii) How residents will be afforded employment opportunities _____

(ix) Whether project will include manager's unit _____

(x) Statement that you will not condition occupancy on the resident's acceptance of supportive services _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 811 or Section 202 NOFA, and

PAGE

required information about each _____

EXHIBIT 6: A statement that:

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

NOTE: Exhibit 6 applies to applications with site control only.

EXHIBIT 7: CERTIFICATIONS AND RESOLUTIONS:

(a) Standard Form 424 _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Disclosure of Lobbying Activities (Standard Form LLL), if applicable _____

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____

(e) Certification Regarding Debarment and Suspension (HUD-2992) _____

(f) Certification of Consistency with the Consolidated Plan (HUD-2991) _____

(g) Sponsor's Conflict of Interest Resolution _____

(h) Sponsor's Resolution for Commitment to Project _____

(i) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____

(j) Supportive Services Certification _____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.6/30/2002)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories _____

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory _____

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

11. Check utilities and services not included in the rent and to be paid directly by the tenant

- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features

- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)

- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title Date(mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those

(2)

Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its respon-sibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the

(2)

minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ **of the Sponsor on the** _____**day of** _____, _____.

_____

Authorized Signature

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES (Section 811 Only)

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. The provision of supportive services is:

   _____ Well designed _____ Not well designed

   to serve the individual needs of persons with disabilities the housing is expected to serve.

2. The provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

   _____ Will enhance _____ Will not enhance

3. The supportive services will be available on a consistent, long-term basis.

   _____ Yes _____ No

4. The proposed housing is:

   _____ Consistent _____ Inconsistent

   with State or local plans and policies addressing the housing needs of people with disabilities.

_____ _____

Sponsor **Project Location**

_____

(Print Name of Authorized Official)

_____

(Signature) / (Date)

_____

(Title)

_____

(Agency Name)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing and related supportive service needs of persons with HIV/AIDS and their families.

Available funds. Approximately $27,543,000 (and under a related part of this SuperNOFA, up to $2,000,000 for technical assistance for the HOPWA program). Funds will be made available under this program NOFA in the following priority order: (1) Renewal of expiring HOPWA grants providing permanent supportive housing as described in Part B: Renewal Projects; (2) award of project outcome add-on funding for HOPWA grants not receiving such funding, as described in Part C: Project Outcomes Add-on Funding; and (3) to continuing and new projects seeking HOPWA funding, as described under Part D: Continuing and New Projects.

Eligible Applicants. States, units of general local government, and nonprofit organizations may apply for HOPWA competitive funding under this NOFA. Additional, eligibility requirements are outlined under each part of this program NOFA.

Application Deadline.

Part B: Project Renewals: May 16, 2002
Part C: Project Outcome Add-on Funding: May 16, 2002
Part D: Continuing and New Projects: June 25, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following sections of this program NOFA. For more information on the program itself including eligible uses of funds, see the HOPWA program regulations at 24 CFR Part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901), which control over any information contained herein.

PART A: GENERAL PROGRAM REQUIREMENTS

The following information provides general guidelines, policies, and requirements for applicants applying for HOPWA competitive funding under this NOFA. Unless otherwise noted, the following provisions apply to applicants of Parts B–D of this program NOFA.

I. Available Funding and Additional Resources

(A) *HOPWA FY2002 Competitive Program.* Through this NOFA, approximately $27,543,000 is being made available for HOPWA awards. Additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year. Priority funding will be given to applicants applying, first, to renewal of expiring permanent supportive housing grants as outlined under Part B of this program NOFA. Secondly, if funds remain, HUD will fund applicants for project outcome add-on funding, as outlined under Part C of this program NOFA. Lastly, if funds remain, HUD will award funds for continuing or new projects, as outlined under Part D of this program NOFA.

(B) *Availability of FY 2002 Formula Allocations.* You should consider seeking funds from the formula component of the HOPWA program and from other resources. Ninety (90) percent of the HOPWA program is allocated by formula to recipient states and cities. In FY2002, a total of $247,889,000 million was allocated by formula to the qualifying cities for 74 eligible metropolitan statistical areas (EMSAs) and to 34 eligible States for areas outside of EMSAs. All HOPWA formula grants are available as part of the jurisdiction's Consolidated Plan. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD HOME Page at www.hud.gov/grants.

(C) *Availability of National HOPWA Technical Assistance.* To apply for HOPWA technical assistance funds, submit an application for funds under the Community Development Technical Assistance (CDTA) part of this notice, which is published elsewhere in this SuperNOFA. The CDTA notice makes available up to $2,000,000 in HOPWA funds to organizations for technical assistance support on a national or regional basis.

II. Application Kits, Further Information, and Technical Assistance

(A) *Where to Send Your Application.* You must send your application on or before **12:00 midnight, Eastern time**, consistent with the specific due date for your application as stated in the Program Overview of this program NOFA, to HUD Headquarters. See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (*e.g.,* mailed applications, express mail, or overnight delivery.

(B) *Address for Submitting Applications.* Your completed application consists of an original signed application and three copies. Submit the original application and one copy to: Department of Housing and Urban Development, Attn: HOPWA, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. The original application submitted to HUD headquarters is considered the official application.

Submit the additional two (2) copies of your application to the area CPD Field Office or Offices that serve the area in which activities are proposed. For multi-state efforts you must submit two copies of your application to the Field Office that serves your main office. The list of addresses for area CPD Field Offices is provided as Appendix B of this program section of this SuperNOFA. If you propose nationwide activities, you must send all copies to the HUD headquarters office. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile, email, and telephone number (including area code).

(C) *For Application Kits.* Although you may begin working on your application with the materials provided in this NOFA and its appendixes, please call the SuperNOFA Information Center at 1–800–HUD–8929 (1–800–483–8929) for an application kit. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number). The application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants.*

(D) *For Further Information and Technical Assistance.* You may call the HUD Field Office serving your area, at the telephone number shown in Appendix B, or you may contact the Office of HIV/AIDS Housing, HUD at (202) 708–1934. HUD staff may assist with program questions, but may not assist in preparing your application.

(E) *Seeking Technical Assistance in Developing a HOPWA Application.* HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD

determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable for any funds already spent.

(F) *Satellite Broadcast.* HUD will hold information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov/grants.*

III. Applicable Requirements of the General Section of the SuperNOFA

The provisions outlined within the General Section of the SuperNOFA apply to the HOPWA program unless otherwise stated within this program NOFA. Specifically, you are encouraged to review:

(A) *Section II: Requirements and Procedures Applicable to All Programs.* The threshold requirements in the General Section apply to the HOPWA program and applicants must meet all threshold requirements to receive funding.

(B) *Section VI: HUD's* FY 2002 SuperNOFA Policy *Priorities.* HUD has identified policy priorities which applicants are encouraged to address in implementing programs funded under this notice. Applicable policy priorities for HOPWA grants seeking funding under Part D of this program NOFA are outlined in Part D, Section III: Policy Priorities. Applicants seeking funding under Parts B and C of this program NOFA are not required to address HUD's policy priorities.

IV. Corrections to Deficient Applications

See Part V: Corrections to Deficient Applications of the **General Section** of the SuperNOFA.

V. Award Modifications

After reviewing each application HUD reserves the right to:

(A) *Make Award Adjustments.* HUD reserves to make award adjustments as outlined in Section III.(E), Application Selection Process, of the **General Section** of this SuperNOFA.

(B) *Add Project Outcome Funding.* Applicants must add up to $50,000 to the HOPWA application for the purposes of the collection of data on project outcomes. If an applicant fails to request this level of funding for this activity, HUD reserves the right to add such funding to the selected application.

(C) *Not to Duplicate Continuum of Care Projects.* HUD reserves the right to ensure that activities funded under the FY 2002 Continuum of Care will not duplicate new or continuing activities funded under this competition.

VI. Statutory Certifications

HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the **General Section** of the SuperNOFA unless stated below. The following certifications must be included with your application. All certifications and forms, except those found in the **General Section** of the SuperNOFA, are included in the appendixes to the HOPWA section of the NOFA.

(A) *Certifications found in the General Section of the SuperNOFA.*

(1) *Consolidated Plan Certification (HUD–2991).* Except as stated below, you must include a Consolidated Plan certification from the applicable State or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands you are not required to include a Consolidated Plan certification with your application. The authorizing official from the State or local government must sign this certification.

(2) Certification of Drug-Free Workplace (HUD–50070)
(3) Certification of Payments to Influence Federal Transactions (HUD–50071)
(4) Disclosure of Lobbying Activities (SF–LLL)
(5) Certification Regarding Debarment and Suspension (HUD–2992)
(6) Consistency with the RC/RC/EZ/EC Strategic Plan (HUD–2990)
(7) Applicant/Recipient Disclosure/ Update Report (HUD–2880)

(B) *HOPWA Certification found at Appendix D of this program section of the NOFA.*

(1) Fair Housing and Non-discrimination
(2) Environmental Law and authorities
(3) Continued use periods for assisted structures
(4) Debarred, Suspended and Ineligible Principals

VII. Program Requirements

(A) *Nonprofit Requirement.* To be eligible as a nonprofit applicant or project sponsor, you must satisfy the requirements of 24 CFR 574.3. Your application must establish both that you are a nonprofit organization and that your organizational documents include a purpose of significant activities related to providing services or housing to persons with HIV/AIDS.

If you do not qualify as a nonprofit, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(1) We will accept as evidence of your nonprofit status:

(a) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(C) (3), (4), (6), (7), (9) or (19) of the IRS code; or

(b) A ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101); or

(c) Documentation showing that the applicant is a certified United Way agency; or

(d) All of these:

(i) A certification by the appropriate official of the jurisdiction under whose laws the nonprofit was organized that your organization was so organized and is in good standing;

(ii) A certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance; and

(iii) An opinion letter from a CPA that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of them):

(*1*) Accurate, current and complete disclosure of the financial results of each federally funded project;

(*2*) Records that identify adequately the source and application of funds for federally funded activities;

(*3*) Effective control over and accountability for all funds, property and other assets;

(*4*) Comparison of outlays with budget amounts;

(*5*) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the US Treasury and the use of funds for program purposes;

(*6*) Written procedures for the determining the reasonableness, allocability and allowability of costs; and

(7) Accounting records including cost accounting records that are supported by source documentation.

(2) We will accept as evidence of your purpose, a certified copy of the organization's articles of incorporation and by-laws which includes in the organization's purposes significant activities related to providing services or housing to persons with HIV/AIDS.

(B) *Performance Benchmark Requirements.* All grantees receiving funds under this program NOFA are expected to meet the following benchmark requirements. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(1) *Execution of Grant Agreement.* Selected applicants must execute grant agreements by the earlier of September 25, 2003 or the first anniversary of HUD's announcement of the awards. HOPWA grants are obligated upon grant execution and the FY 2002 Appropriations Act requires HUD to obligate funds within two years of the appropriation, September 30, 2003, or to lose the funds.

(2) *Disbursement of Funds.* Grantees receiving awards under this NOFA must fully expended their grants no later than the earlier of three years following the effective date of the grant agreement or by September 30, 2008. The FY2002 Appropriation Act requires deobligation of grant funds which not expended within five years of the appropriation, September 30, 2008.

(3) *Site Control through Acquisition or Lease.* If you acquire or lease a site, you are required to gain site control within one year from the date your selection letter was signed by HUD.

(4) *Rehabilitation or New Construction.* If you propose to use HOPWA funds for rehabilitation or new construction activities, you must begin the rehabilitation or construction within 18 months and complete that work within 3 years from the date your selection letter was signed by HUD.

(5) *Program Operations.* For projects conducting rehabilitation or new construction activities, program operations must begin within 36 months of the date your selection letter was signed by HUD. Program operations begin when clients begin receiving housing or supportive services.

(6) *Six-Month Report.* You must provide an initial report to the Field Office and Headquarters on the startup of the planned activities within six months of your selection. Outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance.

(C) *Program Guidance.*

(1) *Program Operating Year.* Grants awarded through this NOFA must designate the 12-month operating year, which indicates the start and end dates of the term of the grant, at the signing of the grant agreement. The operating year may begin within four months of the signing of the grant agreement or as specified by HUD at the time of award. The operating period begins the day when participants begin to receive housing or supportive services, or for capital development activities at site control or the start of rehabilitation or new construction activities. The operating period is a 12-month period for which grantees report annual accomplishments. Grantees are required to submit annual progress reports to HUD within 90 days following the end of each operating year.

(2) *Incorporation of Mainstream Resources.* To the extent possible, HUD encourages projects to incorporate mainstream resources into their project plans to maximize the benefit of requested HOPWA funds. Mainstream resources may include private, other public, and mainstream services and housing programs that provide benefits to eligible clients. Applicants are encouraged to create community wide strategies to coordinate assistance to eligible clients through these mainstream programs. These mainstream programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program. Under each part of this program NOFA, as an applicant, you may be asked to address how your project is incorporating mainstream programs to benefit clients.

VIII. Other Requirements

(A) *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. In accordance with Section 856(h) of the AIDS Housing Opportunities Act, environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, States, Indian tribes and Alaska Native villages) in accordance with 24 CFR Part 58. Applicants or grantees that are not States or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision supersedes the environmental provisions in the HOPWA regulation at 24 CFR 574.510. HOPWA grantees and project sponsors may not commit or expend any grant or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35 (b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of HOPWA or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment (Section 3 Requirements).* For grants in excess of $200,000, to the extent that grant funds are used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. Section 3 requires that economic opportunities shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

IX. Authority

This program is authorized under the AIDS Housing Opportunity Act (42 U.S.C. 12901). The regulations for HOPWA are found at 24 CFR part 574.

PART B. RENEWAL PROJECTS

HUD will consider applications under this part that are renewals of expiring HOPWA competitive grants whose primary purpose is the provision of permanent supportive housing.

I. General Policies on Renewal of Permanent Supportive Housing Grant—Purpose

Under the provisions of the HUD Appropriation Act for FY2002, the Secretary is required to renew qualifying expiring contracts for permanent supportive housing on a priority basis. Grants funded under prior HOPWA competitions that meet the below eligibility requirements and meet all program requirements will be given priority renewal by HUD. Applications will be reviewed on a pass/fail threshold review system and are not required to address the departmental policy priorities described in the General Section of the

SuperNOFA. If you have an expiring grant, which is not for permanent supportive housing, you may apply for funding under Part D of this NOFA.

II. Eligibility of Applicants and Grants

To be eligible for priority renewal under this part, you must meet all of the following eligibility requirements:

(A) *Eligible Permanent Supportive Housing Grants.* To be eligible, your project must provide permanent supportive housing to eligible persons. Permanent supportive housing is housing in which the eligible person has a continuous legal right to remain in the unit and which provides the eligible person on-going supportive services through qualified providers. HUD has deemed grants in which 51 percent or more of HOPWA program activity funds are used (1) to provide permanent housing where on-going supportive services are made available through other resources; or (2) to provide supportive services where permanent housing is provided through other resources, to be grants providing permanent supportive housing, and thereby eligible. To establish eligibility, provide documentation of the following:

(1) *Certification of the Provision of Permanent Housing.* You must certify that at least 51% of the HOPWA program activity funds awarded to your grant were and are being used to provide permanent supportive housing to eligible persons. To determine whether your grant meets this test, use the Permanent Supportive Housing Worksheet found in Appendix D and submit it with your certification. The test is based on the HOPWA funded program activity costs approved in the original application or, as amended by HUD, excluding administrative costs and project outcome funding. To be counted, the grant funds must be used to provide the housing or to provide supportive services to eligible persons living in permanent housing.

(2) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, as follows:

(a) *Permanent Housing.* Permanent housing provided through other resources must be documented in the renewal application through a leveraging letter. The leveraging letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing. See Part D, Section V, Rating Factor 4: Leveraging Resources, for acceptable leveraging letter examples.

(b) *Supportive Services.* Supportive services provided through other resources must be documented through a commitment letter(s), which outline(s) the type of support that will be provided to clients, the organizations providing such support, and the length of time such supportive will be available. Supportive services must be available to clients in permanent housing throughout the term of the renewal grant.

(3) *Evidence of Permanent Client Occupancy.* Except for funds used for short term mortgage, rent and utility payments, you must evidence that the client has a continuous legal right to remain in the unit or property and has access to on-going supportive services provided through qualified providers. You must include in your application a copy of the standard lease form used for residents of the project. It must be for a term of at least one year, be renewable by the tenant and may only be terminable by the landlord for cause.

(B) *Eligible Expiring Grant.* To be eligible, the HOPWA grant must be an expiring grant, defined as a grant that will not have sufficient funds to continue activities until September 30, 2003, if not awarded additional Federal funds. The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended before September 30, 2003 (as measured by reimbursements filed with HUD under the financial system, PAS). HUD may deobligate funding of HOPWA grants that have been renewed on this basis and fail to expend funding by September 30, 2003.

(C) *Eligible Prior Grants.* To be eligible, prior grants must have been selected by HUD for funding under HUD's SuperNOFA process in 1998, 1999, or 2000 and must not have been renewed through a previous competition. Grants selected in 1997 were required to operate and complete activities before the end of fiscal year 2001. Grants funded in 1997 are not eligible for renewal, unless the grantee documents that HUD approved a grant extension of the project that would allow for its continued operations in the Federal Fiscal Year 2002 or 2003.

(D) *Eligibility based on Achieving Measurable Progress.* To be eligible, prior grants must have operated with measurable progress, defined as not evidencing weak performance. Weak performance consists of sanctions or unresolved monitoring findings during the active competitive period, from the date of publication of this NOFA until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at by the application due date under this NOFA for renewals, or significant citizen complaints are unresolved or not responded to with justified reasons. Weak performance is also evident if more than 50 percent of grant funds remain unexpended on the first day of the month in which the application due date for renewals under this NOFA falls (as measured by reimbursements filed with HUD's financial system, PAS).

(E) *Eligible Applicant for Renewals.* You are eligible to apply for renewal of a prior HOPWA grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply. HUD will reject applications submitted by ineligible applicants. If you have questions about your eligibility to apply, contact the local HUD field office.

(F) *Eligible Project Sponsors.* The project should also continue with the same project sponsors, as documented in the prior HOPWA application funded by HUD. HUD will consider the merits for changing a project sponsor if the new sponsor evidences the capacity to enhance project operations or improve responsiveness to clients. Such examples for changing a project sponsor may be that a new project sponsor has greater capacity to conduct program activities, a prior project sponsor is no longer in operation or has merged with another entity, or HUD approved such a sponsor change through a grant amendment.

(G) *Ineligible Grants and Projects.* You are ineligible if any of the following apply:

(1) *Expired Grants.* Your grant expired in the Federal Fiscal Year 2001 or earlier, i.e. all funds were expended (as measured by PAS) by September 30, 2001, or only a residual amount that is less than one percent of the amount of the prior grant remains, are not eligible to apply for renewal funding under this notice.

(2) *Prior Grants.* Your grant was awarded under the 1992–1996 HOPWA

competitions. These grants were required to complete activities within three years of the grant agreement.

(3) *Non-Permanent Supportive Housing Projects.* Projects primarily offering short-term, transitional, or emergency housing options are not eligible. Applicants with existing HOPWA projects that do not qualify for priority renewal under this part, may apply for continuing funding under Part D: Continuing and New Projects section of this program NOFA.

III. Renewable Activities and Amount of Renewals

(A) Eligible grants will receive renewal funding on approved eligible activities, as follows:

(A) *Eligible Renewal Activities.* The activities to be renewed must be on-going forms of support, such as rental assistance, short-term rent, mortgage and utility payments, operating costs for housing facilities, leasing, supportive service costs, housing information services, resource identification/technical assistance for community residences activities and administrative costs. Additionally, applicants must request up to $50,000 in project outcome funding as a part of their renewal budget request.

(B) *Ineligible Renewal Activities.* Funds for acquisition, new construction or for rehabilitation costs will not be renewed. These capital development activities are not on-going or available for additional sites. If you wish to undertake additional capital development activities or to add funding for new activities, such as operating costs and services, you must apply under Part D.

(C) *Amount of Renewals.* Renewal projects may only request renewal funds for continuing a previously approved project at the same level of housing and/or services provided in the previous grant. Proposals to expand or significantly alter a funded-project must apply under Part D for the new activities or the expanded part of the project.

(D) *Project and Activity Funding.* Renewal funding must not exceed 120% of the amount originally awarded for an activity, but may be less than the amount originally awarded, including any amendments affecting this amount that were approved by HUD prior to the publication of this NOFA. However, the total activity costs may not exceed $1,200,000. The limits on administrative costs, three percent for grantees and seven percent for project sponsors, continue to apply. In addition, renewal grantees must add up to $50,000 to the renewal award for the purpose of the collection of data on program outcomes.

(E) *Annual Amounts.* As an applicant for renewal funding, you must specify the annual amount needed to continue each activity and specify the number of years, up to three, for your request by completing the HOPWA Renewal Budget Form (Appendix A). You should describe your plan for continued operations in the Executive Summary section of your application, including any significant reduction to your prior award level.

IV. Selection Criteria and Process

(A) *Selection Process.* To the degree that funds are available, the Department will select for funding all renewal requests from applicants that meet program requirements and pass a threshold review for a need for renewal. In the case that the amount requested for renewal is less than the amount available under this notice, HUD will apply the remaining funds, first, to applicants under Part C and then, second, Part D. If the amount of the request for renewal activities is greater than the amount made available by this notice, HUD will select all of the approvable applications and allocate awards to each based on a prorata reduction to the amount available under this notice to ensure that all eligible and performing renewal projects receive funding that allows their continued operation.

(B) *Selection Criteria.* HUD will conduct a threshold review of all renewal applications based on the following criteria:

(1) *Eligibility.* HUD will review your eligibility to apply for renewal funding under this program as described above under Part B, Section II, *Eligibility of Applicants and Grants.*

(2) *Organizational Capacity.* If a new project sponsor is added, HUD will review the project sponsor's capacity to conduct program activities.

(3) *Provision of Permanent Supportive Housing.* HUD will review whether your project provides permanent supportive housing.

(4) *Need for Renewal.* HUD will review your need for renewal, and how this project has operated with measurable progress, as described below in the *Need for Renewal Narrative.*

(5) *Standard Eligibility Threshold Requirements.* HUD will also review your application to ensure that your project meets the standard eligibility threshold requirements as described in Part A, Section III.(A), above.

(C) *Application Contents.* Applicants are requested to submit the following information:

(1) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(a) Item 5—Add e-mail address of the contact person;

(b) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(c) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(d) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(e) Item 15—You must complete the budget on HUD–424M and the HOPWA Renewal Project Budget Form. Please make sure that both the Total Amount on HUD–424M and the ''Total Budget'' section on the HOPWA Renewal Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(f) Item 16—Check ''No''.

(2) *Executive Summary and Synopsis.* On no more than five (5) double spaced pages, please provide an Executive Summary of the renewal project, beginning with a two to three sentence synopsis of the focus of your project. In the Executive Summary, please provide the name of the grantee and any project sponsors.

(3) *Narrative Statements.* Your application must include the following narrative statements:

(a) *Organizational Capacity Narrative.* If a new project sponsor(s) is added to the proposal, please describe the capacity of the project sponsor(s) to conduct program activities. Please provide this information on no more than two double-spaced typed pages. If you are adding more than one project sponsor, you may add two (2) additional pages per project sponsor. Address the extent to which the project sponsor(s) have the organizational resources necessary to successfully implement your proposed activities in a timely manner. HUD will review the project sponsor's ability to develop and operate your proposed program. With regard to new project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress

in achieving the purpose for which funds were provided.

(b) In reviewing the elements of organizational capacity under paragraph (a), immediately above, HUD will consider the extent to which your proposal demonstrates:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. The project sponsor will be reviewed in terms of recent, relevant and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving persons with HIV/AIDS and their families.

(ii) The project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If the project sponsor received funding in previous years in the program area for which you are currently seeking funding, the sponsor's past experience will be reviewed in terms of the ability to attain demonstrated measurable progress in the implementation of the grant award. Measurable progress is defined as:

(1) Meeting performance benchmarks, as applicable, in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(3) Submitting timely performance reports; and

(4) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

(c) *Provision of Permanent Supportive Housing Narrative.* On no more than three (3) double-spaced pages, demonstrate how your project provides permanent supportive housing through HOPWA and other resources. Include the type of assistance and number of housing units being provided and a description of the supportive services provided. Additionally, your description should outline how HOPWA and other funding, if applicable, work together to provide permanent supportive housing. In addition, you must provide the following:

(i) *Certification of the Provision of Permanent Housing.* A certification, in the form provided in Appendix A, that at least 51% of the HOPWA funds awarded the Project were and will continue to be used to provide permanent supportive housing to eligible persons. To determine whether you can make this certification, complete the ''Permanent Supportive Housing Worksheet'' provided in Appendix A.

(ii) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the housing or supportive services, you must document that such assistance will be provided throughout the term of the renewal grant. For information on acceptable forms of evidence, see Part B, Section II (A)(2).

(iii) *Evidence of Permanent Housing.* Except for funds used for short term mortgage, rent and utility payments, you must provide a copy of the standard lease used for residents of the project. The lease must be for a term of at least one year, be renewable by the tenant and may be terminated by the landlord for cause.

(d) *Need for Renewal Narrative.* Please address the following on no more than three (3) double-spaced pages:

(i) *Measurable Progress.* Please demonstrate the need for renewal funding and how this project has operated with measurable progress. Measurable progress is defined as not failing or not evidencing weak performance in:

(*1*) Meeting performance benchmarks, as appropriate, in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application;

(*3*) Submitting timely performance reports;

(*4*) Expending over 50% of prior funding at the beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system, PAS.).

(ii) *Need for Renewal Chart.* Additionally, you should complete the HOPWA Need for Renewal Chart, which demonstrates that prior grant funds will expire by September 30, 2003. You must complete the HOPWA Need for Renewal Chart (Appendix A), as described below:

Line 1.—Indicate the amount of the prior HOPWA award:_____

Line 2.—Indicate the amount expended as of 9–30–01:_____

Line 3.—Subtotal: subtract line 2 from line 1:_____

Line 4.—Indicate the amount to be expended in FY2002:_____ (By September 30, 2002)

Line 5.—Indicate the amount to be expended in FY2003:_____ (By September 30, 2003)

Line 6.—Subtotal: subtract lines 4 and 5 from line 3:_____

Notes: If the subtotal on Line 6 is greater than zero, you are not eligible to apply for renewal funding under this notice. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office. Further, if the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice. In reviewing the information that you provide in this chart, HUD will determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

(4) *HOPWA Renewal Budget.* Please complete the HOPWA Renewal Budget Form (Appendix A). See Part B, Section III, *Renewable Activities and Amount of Renewals,* for details on renewal funding.

(5) *HOPWA Renewal Project Form (Appendix A).* Complete the form including the following:

(a) *Project Sponsor.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(b) *Non-profit Status.* If not previously submitted to HUD through the prior HOPWA application or if a change occurred in non-profit status, non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Part A, Section VII (A).

(c) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(6) *Statutory Certifications.* The renewal application should include the required certifications as described under Part A, Section VI, *Statutory Certifications.*

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Renewal Application Checklist found in Appendix A to this program section of the SuperNOFA. Attach the HOPWA Renewal Application Checklist to the front of your application.

V. Additional Renewal Information

As an applicant of renewal funding, you are encouraged to read Part A: General Program Requirements at the beginning of this program NOFA. This section outlines submission details,

technical assistance, and statutory requirements for using HOPWA funds.

PART C: PROJECT OUTCOMES ADD-ON FUNDING

I. Purpose

Funds for data collection on project outcomes are made available in this part of the NOFA to enable all HOPWA competitive grantees to enhance efforts in gathering information on client and project accomplishments. The information to be collected is related to the special design features, service delivery models, or objectives of these grants that were selected by national competition, as Special Projects of National Significance or projects that serve clients in areas that are not eligible for HOPWA formula allocations. The use of these additional funds will allow your agency to enhance the design of outcome measures, the collection of this data, the evaluation and reporting on this information. In assisting HUD to better disseminate the results from your efforts, the project outcome reports and findings are expected to be of benefit to other communities in considering improvements in their area efforts that provide housing assistance to eligible persons. HUD has made funding for data collection on project outcomes a feature of the national HOPWA competitions in 1998–2001, although not all applicants requested such funding. To assist all recipients to enhance their evaluation efforts, this funding is again being made available to the prior grantees that did not receive funds under this budget line item in their approved application. A threshold review will be undertaken to select applications from current HOPWA competitive grants that propose responsive evaluation and dissemination activities. HUD will award up to $50,000 per application.

II. Eligible Applicants

Eligible applicants are grantees that were awarded HOPWA funds under the FY1999 or FY2000 HOPWA competitive program and were not originally granted project outcome funding. Since the eligible applicants are limited to current recipients of HOPWA competitive funding, HUD will not require applicants to duplicate their original application as to the eligibility of the applicant, client, or activities. HUD is satisfied that the review that was undertaken for these entities in the FY1999 and FY2000 HOPWA competition, for which these entities were determined eligible, is sufficient for the award of these additional funds. Applicants will be required to submit an abbreviated application.

III. Threshold Review

The Department will conduct a threshold review of all HOPWA grantees requesting project outcome add-on funding. Applicants failing to meet the threshold review requirements will not be awarded project outcome add-on funding. The basic threshold review will consist of the following criteria:

(A) *Eligibility.* HUD will review your eligibility to apply for the project outcome add-on funding under this section, as described above under *Eligibility.*

(B) *Monitoring Review.* HUD will review your current HOPWA grant to ensure the project is meeting applicable benchmark requirements and making measurable progress, defined as not evidencing weak performance. HUD will consider that weak performance is evidenced if there are sanctions or unresolved monitoring findings during the active competitive period, from the date of this notice until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at the time of the due date for applications, or significant citizen complaints are unresolved or not responded to with justified reasons. Grants in default of grant agreement or with unresolved management issues will not be awarded project outcome add-on funding.

(C) *Project Outcome Plan.* You may request up to $50,000 to collect information and report to HUD, or a third party designated by HUD, on project outcomes. HUD will review your plan to ensure the requested funding will be used to conduct eligible activities. The requested funding may be used for the following activities:

(1) Defining monitoring questions that will be addressed and examined during the project period;

(2) Specifying outcome measures;

(3) Development instruments to assess project outcomes and systems outcomes;

(4) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(5) Monitoring data collection activities to assure the submissions are complete and accurate, including data coding and entry;

(6) Summarizing data collected;

(7) Participate in HUD-sponsored collaboration and HUD-designated training events in order to prepare and disseminate the finding of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome/evaluation activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

IV. Application Submission

To apply for add-on funding you must submit the following:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted

(4) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD–424M.

(6) Item 16—Check ''No''.

(B) Project Narrative. A written description approximately one to two pages on:

(1) The current status of your grant including how the project has met NOFA benchmark requirements, in compliance with the statute and regulations, and is making measurable progress. See Part C, Section III(B): Monitoring Review.

(2) Your plan for utilizing project outcome/evaluation funding. Include a request to receive an amount up to $50,000 and describe your plan to use the additional funds through the remaining term of your grant. See Part C, Section III: Project Outcome Plan.

V. Award Modifications

HUD reserves the right to modify the requested amount of project outcome funding based on a grantees expenditure rate as measured through PAS. HUD may prorate requested funding to match the percentage of remaining funds on any current HOPWA grant.

PART D: CONTINUING AND NEW PROJECTS

I. Program Purpose

Funds under this program are to be used to support the Department's national goal of increasing the availability of decent, safe, and affordable housing in American

communities. The statutory purpose of the HOPWA program is meeting the housing needs of low-income persons with HIV/AIDS and their families. Projects selected for HOPWA awards will be funded to provide housing and related supportive services for eligible persons under two categories of assistance:

(A) Grants for Special Projects of National Significance (SPNS) that, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the housing and related supportive service needs of low-income persons living with HIV/AIDS and their families; and

(B) Grants for projects that are part of Long-Term Comprehensive Strategies (Long-Term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA FY 2002 formula allocations found in Appendix C of this program section of this SuperNOFA.

II. Eligible Applicants and Activities

(A) *Eligible Applicants and Project Sponsors.*

(1) States, units of general local government, and nonprofit organizations may apply for SPNS grants.;

(2) States and units of general local government may apply for grants for projects under the Long-Term category of grants, if proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in Fiscal Year 2002. Nonprofit organizations are not eligible to apply directly for the Long-Term grants but may serve as a project sponsor for an eligible State or local government grantee.

(3) You must identify your project sponsors in your application. Project Sponsors cannot be identified at a later date through such processes as an RFP or other selection process.

(B) *Eligible Activities.*

(1) *HOPWA Activities.* Eligible activities with their standards and limitations may be found in the HOPWA regulations at 24 CFR Part 574. A copy of the regulations may be downloaded from the HUD Web site at *http://www.hud.gov* or may be obtained through the application kit. You are encouraged to review the HOPWA regulations before seeking funding.

(2) *Additional Guidance on Use of Program Funds.*

(a) *Housing Assistance.* To receive the maximum points under the rating criteria, your project must clearly address the housing need of eligible persons. If you are proposing emergency or transitional housing assistance, your plan should include linkages to or the provision of permanent supportive housing.

(b) *Supportive Services.* Many of the clients who will be served by HOPWA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other Federal, state, local or private funds. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, HUD encourages you to develop housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements. Further, to help ensure that selected projects address housing related purposes, no more than 35 percent of the proposed budget for program activities can be designated for supportive services costs. If HOPWA funds will be utilized to operate or develop a supportive service only facility through acquisition, rehabilitation, new construction, lease, or operating costs, these costs will be considered related supportive service costs and will be subject to the 35 percent cap on program activity costs.

(c) *Resource identification.* HUD will not select under this notice an application that is solely directed at providing resource identification activities, since national HOPWA technical assistance funds are being made available under the Community Development Technical Assistance (CDTA) part of this NOFA for this purpose. You may propose a resource identification or technical assistance component in your application, if the amount of funds designated for these activities are less than 20 percent of the proposed program activity costs.

(d) *Other Activities.* As authorized by the statute, you may propose other activities in your application, if approved by HUD. HUD will not approve proposals that depend on future decisions on how funds are to be used, for example, a proposal to establish a local request-for-proposal process to select activities or project sponsors.

(e) *Project Outcome Funding.* You must request funding to conduct data collection on project outcomes. The budget provides that up to $50,000 may be added to collect information and report to HUD on the outcomes of your service delivery model. You must propose data collection activities in your application. Project outcome activities include:

(i) Defining monitoring questions that will be addressed and examined during the project period;

(ii) Specifying outcome measures;

(iii) Developing instruments to assess project outcomes and systems outcomes;

(iv) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(v) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(vi) Summarizing data collected; and

(vii) Participate in HUD-sponsored collaborations and HUD-designated training events in order to prepare and disseminate the findings of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

(3) *Maximum Grant Amounts.* The maximum amount that you may receive is $1,200,000 for program activities (*e.g.,* activities that directly benefit eligible clients), irrespective of the number of applications that you submit. You may also add-on up to 3 percent of this program activities amount for grantee administrative costs and, if your program involves project sponsors, add-on up to 7 percent of the amount they receive for their administrative costs. In addition, you must add up to $50,000 for project outcome activities.

III. Policy Priorities

(A) *Departmental Policy Priorities.* As outlined in Section VI of the General Section of the SuperNOFA, HUD has identified policy priorities that applicants are encouraged to address through the proposed plans. HUD has identified two Departmental policy priorities as being applicable to the HOPWA program. Applications for HOPWA funding will receive a rating point for each applicable Departmental policy priority initiative addressed through the proposed program activities and performance goals and objectives. Applicants must demonstrate how these priorities will be addressed through the Soundness of Approach Section of the application as outlined under Rating Factor 3. One Rating Point will be awarded to each of the following addressed priorities:

(1) In accordance with Section VI(C) of the **General Section** of the SuperNOFA, for applicants seeking HOPWA funds for capital development activities, including rehabilitation or new construction, you are encouraged to:

(a) Institute visitablity standards in these activities undertaken with HOPWA funds. Vistiablity standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible.

(b) Incorporate universal design in the construction or rehabilitation of housing undertaken with HOPWA funds. Universal design provides housing that is usable by all without the need for adaptation or specialized design.

(2) For applications in which the grantee, project sponsor(s), or other collaborating organizations meets the definition of a faith-based and other community-based, or grassroots organization as defined in Section VI(E) of the **General Section** of the SuperNOFA.

(B) *Program Policies—Target Populations.* The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing housing, health-care, and HIV/AIDS treatment among underserved populations, as well as health-related disparities that result from limited access to health-care, treatment and other support for persons living with HIV/AIDS. Applications seeking to provide housing assistance and related supportive services to one or more of the following underserved populations will receive priority consideration in the selection of grants. To receive this consideration, you must demonstrate the need of the special population in your area under the Need /Extent of the Problem section of your application as outlined under Rating Factor 2, as well as, demonstrate your response to this need under the Soundness of Approach section of your application as outlined under Rating Factor 3.

HUD reserves the right to select the highest rated application (but not one that is rated at less than 70 points) that demonstrates that the planned HOPWA activities and activities supported by leveraged funds, will serve one of the following special populations of HOPWA eligible persons. If funds are insufficient to select one of each of these four special demonstration grants, HUD's selection priority will be in the order listed:

(1) *Persons with HIV/AIDS and their families who are living in the Colonias.* Primarily the southwest border of the United States, the Colonias are home to persons living an extreme poverty and poor housing conditions. With the limited access to HIV/AIDS housing, services, healthcare, and treatment, persons living with HIV in the Colonias do not receive the necessary care and treatment. HUD is encouraging applications that strive to meet the needs of eligible clients living in the Colonias.—Applicants seeking funding as a Colonias must meet the definition of a Colonias as defined in the General Section of the SuperNOFA.

(2) *Youth.* Stable housing is one of the most important parts of the safety net for persons living with HIV and AIDS and their families. Youth who are homeless or who run away from home are at greater risk of HIV infection. Youth who are infected with HIV are more likely to be able to follow complex treatment regimens if they have a reliable address where they can be reached by care providers, a safe place to keep medications, refrigeration for drugs that require it, and other necessities that many of us take for granted. Some 20,000 young people are still becoming infected every year, and most of them are not receiving the medical care they need. HUD is encouraging applications that strive to meet the needs of youth impacted by HIV/AIDS.

(3) *Rural Populations.* A growing number of new HIV and AIDS cases are known to be occurring in the rural and smaller population areas of the country. In many areas, the limited availability of affordable and quality housing, the lack of specialized service providers, excessive travel distances to access HIV care and treatment and/or the lack of HIV treatment options, provide difficult challenges in providing for comprehensive housing and service programs for persons living with HIV/AIDS. HUD is encouraging applications that strive to meet the special need of rural populations through the provision of housing and related supportive services geared to ensure that clients have improved access to necessary treatment. A model service delivery project under this demonstration effort must be located in and serve clients in areas that are outside of the metropolitan statistical areas that have populations of more than 500,000 persons.

(4) *Post-Incarcerated.* The U.S. Department of Justice (DOJ) estimates that 2.1% of all state and federal prison inmates are persons who are living with HIV, a rate that is higher than the rest of the population. Due to their criminal history, many post-incarcerated persons have difficulty in reentering the community, especially in finding basic housing as well as employment, health care and other necessities when dealing with HIV-infection. Discharge planning actions can coordinate resources to help post-incarcerated persons successfully reintegrate into the community as productive, law abiding citizens. HUD, in partnership with DOJ, the U.S. Departments of Health and Human Services and Education, and other federal agencies, is encouraging the development of projects in which applicants would provide post-incarcerated persons with linkages to permanent housing and services to reduce recidivism, maintain access to healthcare and HIV/AIDS treatment, and access to education, job training and placement opportunities.

IV. Program Requirements

(A) *Performance Measures and Project Goals and Objectives.* You must use HUD's required performance measures, as detailed below, that will show your accomplishments in using HOPWA funds to expand the housing options that benefit eligible persons. You must also establish individual goals and objectives for your proposal. They should be specific, achievable and measured within set time periods. Your individual goals and objectives should result in possible findings on the successes and lessons learned in undertaking your activities that would be shared with other communities. In designing your proposal, please use the following:

(1) *Required HOPWA national performance goal.* Your proposed activities must increase the amount of housing assistance and related supportive services to eligible persons to enable them to achieve housing stability and access to health-care and related supportive services.

(2) *Measurements of Performance.* After each year of operation, you must report on the number of housing units that were provided with HOPWA and other funding, and number of additional persons served with related supportive services. HUD will measure your progress and achievements in evaluating your performance on your HOPWA grant.

(B) *Descriptive Budget.* You must provide a description of each of your requested budget items and how the funds will be used, including each amount of requested funding for you and your project sponsors, and a description of how each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B). You are expected to match requested funds to

specific goals and objectives in your project. See Appendix D.

V. Application Selection Process

(A) *HOPWA Application Threshold Reviews.* HUD will review your HOPWA application to ensure that:

(1) Your application meets the threshold requirements found in Section II of the **General Section** of the SuperNOFA.

(2) Your application contains all required certifications as outlined in Part A, Section VI: *Statutory Certifications.*

(B) *Procedures for the Rating of Applications.* HUD will rate all HOPWA applications based on the factors listed below.

The points awarded for the factors total 100. In addition, bonus points for projects in RC/EZ/EC areas and by the City of Dallas may be available under Section III(C) of the **General Section** of this SuperNOFA apply to this competition. After rating, all applications will be placed in the rank order of their final score for selection within the appropriate category of assistance.

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points)

Address the following factor on not more than five (5) double-spaced, typed pages. For each project sponsor, you may add two additional pages. This factor addresses the extent to which you and any project sponsor have the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed program in relation to which entity is carrying out an activity.

(a) With regard to both you and any project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

(b) In reviewing the elements of paragraph (1), HUD will consider:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant and successful experience of staff in undertaking eligible program activities;

(ii) Your and/or the project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If you and/or the project sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your project sponsor's past experience will be evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your grant awards. Measurable progress is defined as:

(*1*) Meeting applicable performance benchmarks in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(*3*) Submitting timely performance reports; and

(*4*) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

Rating Factor 2: Need/Extent of the Problem (20 Points)

Address this factor on not more than five (5) double-spaced, typed pages. Up to 20 points will be awarded for this factor.

(a) *AIDS Cases*—(**5 Points**). Up to five of these points will be determined by the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a State outside of these metropolitan areas, in the State for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities. Your application must define a planned service area. To determine these points, HUD will obtain AIDS surveillance information from the Director of the Centers for Disease Control and Prevention.

(b) *Description of Unmet Need*—(**5 Points**). Up to five of these points will be awarded based on demonstration of need for funding eligible activities in the area to be served. To receive the maximum points, demonstrate that substantial housing and related service needs of eligible persons and/or the target population, as outlined in Part D, Section III (B), are not being met in the area and that reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation) show this unmet need. To receive the maximum points, show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable to your project and identify the level of the problem and the urgency of the need.

(i) If you apply for a SPNS grant, you must describe a need that is not currently addressed by other projects or programs in the area. Also describe any unresolved or emerging issues and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families; or

(ii) If you apply for a project that is part of a Long-Term Comprehensive Strategy in an area that does not receive a HOPWA formula allocation, you must describe the need that is not currently addressed by other projects or programs in the area. You must also describe any unresolved or emerging issues and/or the need to provide forms of assistance that enhance the community's strategy for providing housing and related services to eligible persons.

(iii) HUD will evaluate your presentation of statistics and data sources based on soundness, reliability and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (e.g., persons with multiple disabilities including AIDS), your application must document the need for this targeted effort through statistics and data sources that support the need of this population in your service area.

(c) *Need in Non-Formula Areas and Need for Renewals*—(**5 Points**).

Within the points available under this criterion, HUD will award points under the following two circumstances:

(i) Five points will be awarded, if your SPNS application proposes to serve clients in an area that does not

qualify for HOPWA formula allocation; or

(ii) Up to five points will be awarded, if you propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in years immediately prior to this application and that have operated with measurable success. To receive the maximum points, you must describe what unmet need would result if funding for the project was not renewed from this Federal funding and describe your efforts to secure other sources of funding to continue this project. You must also show that you operated with measurable progress and your previous HOPWA-funded activities have been carried out and are nearing completion of the planned activities in a timely manner. Measurable progress is defined as:

(*1*) Meeting performance benchmarks, as appropriate, in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of application;

(*3*) Submitting timely performance reports; and

(*4*) Expending 50% of prior funding by the application due date of this program section of the SuperNOFA.

(d) *Highest Rated in a State or the Nation (for nationwide activities)*—(**5 Points**). After rating of all other factors, HUD will award five of the points to help achieve greater geographic diversity in funding activities within a variety of States. Under this criterion, five points will be awarded to the highest rated SPNS and Long-term applications in each State and to the highest rated SPNS application among the applications that propose nationwide activities.

Rating Factor 3: Soundness of Approach: Responsiveness and Model Qualities (40 Points)

Address the factor on not more than fifteen (15) double-spaced, typed pages. Include the HOPWA Budget Forms found in Appendix D. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 40 points based on the extent to which your plan evidences a sound approach in its responsiveness to eligible persons and how it offers model qualities in providing supportive housing opportunities for eligible persons, when compared to other applications and projects funded under previous HOPWA competitions.

(a) *Responsiveness*—(**20 Points**). HUD will award up to 20 points based on how well your project plan responds to the unmet needs of the eligible population, including target populations outlined under Part D, Section III, and establishes specific goals and objectives for providing housing and related supportive services eligible persons. To receive the highest ratings in this element, describe:

(i) *Your project's goals and objectives.* Demonstrate how you will measure how the project is performing under the required HOPWA performance measures. Review Part D, Section IV (A), *Performance Measures and Project Goals and Objectives* of this NOFA. To receive the highest rating your goals and objectives must address:

(*1*) The projected numbers of persons to be served through each activity for each year of your program;

(*2*) The projected number of housing units by type to be provided through your project by year over a 3-year period, and;

(*3*) The specific organizations that will provide housing, supportive services, or other activities either through an agreement with your organization or through funding from your project.

(ii) *Your plans for accomplishing these goals and objectives.* Demonstrate your methodologies for achieving these goals and objectives by describing the project plan. Include a description of the coordination, roles, and responsibilities of your project sponsors and/or other organizations within your project plan to conduct eligible activities. Your plan must describe the eligible activities you intend to conduct and how those activities will benefit eligible clients. To receive the maximum points your project plan you must explain and include the eligible activities that you or your project sponsor will conduct in meeting the housing needs of eligible persons. A description may include such activities as:

(*1*) *Housing Activities.* You must demonstrate how the housing needs of clients will be addressed through one or more of the HOPWA eligible activities or through other resources and how such activities coordinate with other housing assistance. Your plan for housing assistance must include:

(*a*) *Linkages to or the provision of permanent supportive housing.* You must describe how clients will access permanent housing options through your project or through linkages with other community providers, even if the focus of your project is emergency or transitional assistance.

(*b*) *Description of housing sites.* You must describe any appropriate site features, including accessibility, visitability, and access to other community amenities associated with your project.

(*c*) *A development and operations plan.* You must describe a development and/or operations plan for the housing assistance you are proposing to provide. For rental assistance programs, this will include your plan for providing rental assistance, proposed housing sites, and length of stay. If you are proposing to use HOPWA funds for acquisition, rehabilitation, or new construction activities your plan must also document that you have secured funding sources (if applicable), identified a site(s), and must provide rehabilitation/construction timelines.

(*2*) *Supportive Service Activities.* You must describe how the supportive service needs of clients will be addressed from HOPWA or other sources by describing the type of supportive services that will be offered directly by the program and/or how services will be accessed and coordinated from other sources. Explain the connection of these services in helping clients obtain and/or maintain housing. You are reminded that supportive service costs may represent no more than 35 percent of your program activity costs. In describing your supportive services delivery plan, explain:

(*a*) How clients will have access to mainstream programs that offer healthcare and other supportive services, as discussed in Part A, Section VI (C);

(*b*) How clients will participate in decision making in the project operation and management;

(*c*) Your plan for delivering supportive services through a comprehensive plan. If you plan on using HOPWA funds to acquire, rehabilitate, lease, or operate a supportive service only facility, you must describe your development and operations plan for that facility. Include in the plan how such a facility relates to the program purpose of housing eligible clients and document that other funding has been secured, if applicable, a site has been identified, and provide rehabilitation/construction timelines.

(*3*) *Additional Activities.* You must describe your plan for utilizing other requested HOPWA funds (described at 24 CFR 574.300 (b)). Explain how these activities will be integrated to your overall plan in the provision of housing and related supportive services to eligible clients.

(*4*) *Other Activities.* As authorized by statute and in addition to the activities

at 24 CFR 574.300(b), you may propose other activities in your application.

(b) *Model Qualities*—(**20 Points**). HUD will award up to 20 points based on your service delivery plan and how well it addresses the ongoing housing and supportive service needs within a replicable operational framework. To receive the maximum points, you must offer a plan that describes the following:

(i) *Policy Priorities.* Describe how you will meet the Departmental policy priorities emphasized in Part D, Section III of this NOFA.

(ii) *Operational Procedures.* Describe your outreach, intake, and assessment procedures, as well as how clients will link to services and (if necessary) housing funded from other sources and how your project provides for consistent monitoring of all clients. Include a description of how a client moves through the program from intake, assessment, service delivery, and finally to termination or linkage to other services.

(iii) *Project Management and Oversight.* Describe your method for managing and overseeing your, your project sponsors'', and any other organizations activities. Identify staff members who are responsible for management and oversight of the project and activity implementation.

(iv) *Evaluation.* Evaluation is defined as your method for collecting data on HUD program measures and your project's goals and objectives. HUD will assess your method for reviewing this data and your basis for making relative adjustments based on outcomes and lessons learned. Your evaluation plan must include how you propose to utilize the project outcome funding, as described in Part D, Section II (B)(2)(v). HUD will award a greater number of points for programs which will serve as a national model and which provide for the dissemination of information from the lessons learned from your proposed activities.

(v) *Innovative Qualities.* If you propose a new program, or an alternative method of meeting the needs of your clients, describe the innovative qualities of your activities. HUD will rate your applications higher if you provide strong evidence that your methods will yield qualities that will benefit or expand knowledge in serving eligible persons, when compared to other applications and HOPWA projects funded in the past. In order to learn about innovative qualities of previously funded and on-going HOPWA projects, please review the HOPWA Executive Summaries for all HOPWA formula and competitive grantees at *http://www.hud.gov*.

(vi) *Descriptive Budget.* HUD will review your budget in describing:

(1) How each amount of requested funding for you and your project sponsors will be used;

(2) How each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B), of this program section of the SuperNOFA; and

(3) How specific line items match with the goals and objectives in your project. You must complete the HOPWA Project Budget Form as described in Part B, Section VI (E). Please note that only the forms are required and an additional narrative under the Model Qualities Section is not required.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources that can be combined with HUD's funds to achieve program purposes. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed at the time of application, to support your project. To receive the maximum points, you must evidence commitments of leveraged resources that match or exceed the amount of HOPWA funds that are requested, but not including funds designated for data collection.

(a) In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant. In evaluating this factor HUD will also consider:

(i) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the purposes of the project for which you are requesting HOPWA funds;

(ii) The extent to which the documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by your award.

(b) To receive highest leveraging points, you must document the cash value of leveraged resources pledged to your project(s). The commitment of resources will be evidenced by use the appropriate language as described below:

(i) *Applicant or Third Party Cash Resources.* If this proposal is funded, (applicant name or third party name) commits $(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date).

(ii) *Non-Cash Resources.* If this proposal is funded, (organization's name) commits to make available (type of resource) valued at $(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time.* If this proposal is funded, (name of the organization or of self), commits to provide (number of hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on $10.00 per hour, is $(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at $10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building.* If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a

leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. The HOPWA request for the building is $(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or $(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is $(amount) annually, and at constant value will amount to $(amount) over (term of the lease, up to three years). An appropriate independent third party made this appraisal, which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is $(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or $(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

Factor 5: Coordination, Self-Sufficiency and Sustainability (Maximum 10 Points)

Address the factor on not more than five (5) double-spaced, typed pages. Coordination involves efforts that are taken outside of your project to help clients become self-sufficient and that enable the project to become sustainable from other resources. HUD will award up to 10 points based on your proposal's coordination, self-sufficiency, and sustainability efforts.

(a) *Coordination.* You should demonstrate the extent to which you have coordinated your activities and the activities of your project sponsors with other organizations that are not directly participating in your proposed work activities. This involves organizations for which you share common goals and objectives. You will be rated on the extent to which you demonstrate you have:

(i) Coordinated your proposed activities with those of other groups or organizations within the community or region prior to submission, to best complement, support, and coordinate all housing and supportive service activities;

(ii) Developed your project through consultation with other organizations, groups, or consumers involved with area HIV/AIDS housing and service planning, including Ryan White Planning and other Federal planning. You should demonstrate that the project is linked or promotes participation in HUD's planning processes, such as the jurisdiction's Consolidated Planning process or the community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities);

(iii) Coordination with other HUD-funded programs outside of the Consolidated Planning Process, for example accessing additional housing resources through a local public housing authority;

(iv) Coordination with mainstream resources including private, other public, and mainstream services and housing programs. To achieve the maximum points, applicants must evidence explicit agency strategies to coordinate client assistance with mainstream health, social services and employment programs for which eligible clients may benefit.

(b) *Self-sufficiency.* Demonstrate the extent to which your application implements practical solutions within the grant term to assist clients in achieving independent living, economic empowerment, educational opportunities, housing choice, or improved living environments. This may be demonstrated through such efforts as ensuring access to permanent, safe, decent, and affordable housing for eligible clients, educational programs designed to return clients to work, or through independent living services for clients.

(c) *Sustainability.* Demonstrate the extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed. In order to ensure that resources are used to their maximum effect within the community, it is important that you demonstrate involvement in other state, local, and private funding arenas. In evaluating this factor HUD will consider the extent you have:

(i) Developed linkages, or specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes, or other mechanisms, to coordinate your activities so solutions are holistic and comprehensive with other state, local, or private entities;

(ii) Demonstrate how planned activities may be sustained through other resources in order to provide a comprehensive and responsive range of housing and related supportive services to meet the changing needs of persons with HIV/AIDS.

(C) *Selection of HOPWA Awards.* Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as outlined in Part D, Section III (B):

Policy Priorities, where HUD reserves the right to select applications that target the priority eligible populations. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. HUD will not select an application that is rated below 70 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach: Responsiveness and Model Qualities (Rating Factor 3); Comprehensiveness and Coordination (Rating Factor 5); the Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); the Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

HUD will notify you in writing if you are conditionally selected. You may be notified subsequently of any modification made by HUD, the additional project information necessary for grant award, and the date of deadline for submission of the required information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund

award within the specified time, HUD reserves the right not to award funds to the applicant, but use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this competition; or to add amounts to funds available for the next competition.

VI. Application Submission Requirements

Your HOPWA application must contain the following items in the order shown below. The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters) can be found as Appendix D to this program section of the SuperNOFA. The items are as follows:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(4) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD–424M and the HOPWA Project Budget Form. Please make sure that both the Total Amount on HUD–424M and the ''Total Budget'' section on the HOPWA Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(6) Item 16—Check ''No''.

(B) *Executive Summary and Synopsis.* Please provide a two to three sentence synopsis of the main focus or features of your proposed program, followed by an Executive Summary of the proposed project on no more than two double-spaced, typed pages. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor.

(C) *Narrative Statements.* Your application must include narrative statements that address each of the Factors for Award found at Part D, Section V (B) of this program section of the SuperNOFA. Respond to each factor within the stated page limits and do not use a font size smaller than 12 point. Applications failing to submit any of the narrative statements will be rated as zero during the rating process.

(D) *Proposed HOPWA Project Information Form.* See Appendix D in program section of SuperNOFA. Complete the form including the following:

(1) *Project Sponsors.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(2) *Non-profit Status.* Non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined in Part A, Section VI (A).

(3) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(E) *Budget.* You must complete the HOPWA Project Budget Form found in Appendix D of this program section of the SuperNOFA, which lists the amount of requested HOPWA funds designated for each type of HOPWA-eligible activity. For more information, please see Part D, Section IV (B) and Rating Factor 3, *Soundness of Approach.*

(F) *Statutory Certifications.* You must complete the statutory certifications as outlined in Part A, Section VI section of this program NOFA.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Application Checklist found in Appendix D to this program section of the SuperNOFA. Attach the HOPWA Application Checklist to the front of your application.

BILLING CODE 4210–32–P

HOPWA Renewal Application Checklist

Checklist of Exhibits

Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Application for Federal Assistance (form SF-424) and (HUD-424M)
- ☐ Project Synopsis and Executive Summary
- ☐ Organizational Capacity Narrative (if applicable)
- ☐ Provision of Permanent Supportive Housing Narrative
- ☐ HOPWA Permanent Supportive Housing Certification
- ☐ HOPWA Permanent Supportive Housing Worksheet
- ☐ Need for Renewal Narrative
- ☐ HOPWA Need for Renewal Chart
- ☐ HOPWA Renewal Budget Form
- ☐ HOPWA Renewal Project Form
- ☐ Statutory Certifications (Required by law)
- ☐ Acknowledgement of Application Receipt (Optional) (HUD-2993)
- ☐ Client Comments and Suggestions (Optional) (HUD-2994)

HOPWA NOFA – Appendix A

HOPWA Permanent Supportive Housing Certification

The Applicant, in order to induce HUD to renew the Applicant's Grant with HUD for HOPWA Project Number _____, pursuant to HUD's authority under the FY 2002 Appropriations Act, hereby assures and certifies HUD that no less than 51 percent of the HOPWA funds awarded to the Project were and continue to be used to provide permanent supportive housing to low income persons with HIV/AIDS and their families. Permanent housing is defined as housing in which the resident has a lease for a term of at least one year, which is renewable by the tenant and which may be terminated by the landlord for cause. Permanent supportive housing is permanent housing, which provides the tenant with on-going supportive services through qualified providers.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code.

HOPWA Applicant Certifications

Name of Applicant

Signature of Authorized Certifying Official & Date

Typed Name of Signatory

Title of Signatory

Date

Permanent Supportive Housing Worksheet

Applicants seeking renewal under Part B of the HOPWA NOFA, must demonstrate that the HOPWA project supported by the prior HOPWA grant and continued through this renewal provides permanent supportive housing to eligible clients. Permanent supportive housing is defined in Part B, Section II of the HOPWA program NOFA. To meet this definition, you must document that at least 51 percent of the HOPWA program activity funds awarded to the grant you are seeking to renew provided direct permanent supportive housing assistance or provided supportive services to clients living in permanent housing you provided with resources other than HOPWA funds. Complete the following worksheet to determine if your project at least meets this 51 percent threshold.

INSTRUCTIONS

Part 1: Calculation of Funding

1. **HOPWA Project Funding – Funding amount of the original or amended HOPWA grant, which you seek to renew.**

   Column A - Original or Amended HOPWA Grant. In Column A, for HOPWA funds only, enter the total program activity costs requested and approved in the prior HOPWA grant. Please note, these costs do not include administrative or project outcome costs. Total Column A.

2. **Permanent Supportive Housing Funding – Percentage of funding dedicated to permanent supportive housing, as defined in the HOPWA NOFA.**

   Column B - HOPWA. In Column B, enter the amount of HOPWA funds from the prior HOPWA grant expended or pending use as approved in the grant that directly provide permanent supportive housing. HOPWA funds used for services or housing of clients in emergency, short-term, or transitional situations, may not be included (expect in relation to short-term rent, mortgage, or utility payments). For example, if part of the supportive services provided actually provides services in a short-term, transitional housing situation or to clients not receiving housing assistance, then only the amount of funds directly providing the permanent supportive housing may be used in the calculation.

   Please note, HUD has determined that only the following activity categories allow expenditures that meet the definition of permanent supportive housing under your prior grant. You may only account for the percentage of funds that were expended or will be expended on permanent housing activities through:

   - Acquisition
   - Rehabilitation, repair, and conversion
   - New construction
   - Rental Assistance
   - Short-term rent, mortgage, or utility payments

- Lease
- Operating Costs
- Supportive Services (for residents of permanent housing only)
- Other HUD approved permanent housing activities

Other HOPWA funded activities, like housing information or resource identification, do not meet the definition of permanent supportive housing. Total Column B.

Column C – Other Funding. If applicable, enter the amount of other funds that provide permanent supportive housing. Other funding resources must be documented in the prior HOPWA grant and documentation that such assistance will continue during the term of the renewal grant must be provided to HUD. Total Column C.

Eligible Activity	**HOPWA Project Funding**	**Permanent Supportive Housing***	
	A. Original or Amended	**B. HOPWA**	**C. Other**
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion	$	$	$
3. New Construction	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services	$	$	$
7. Housing Information	$		
8. Technical Assist. & Resource Identification	$		
9. Rental Assistance	$	$	$
10. Short-term rent, mortgage, & Utility Payments	$	$	$
11. Other (name the type of alternative activity – must be approved in the prior HOPWA grant) _____	$		
12. Total	$	$	$

* Enter only the amounts of HOPWA or other resources that directly provide permanent supportive housing. You may not consider funds providing other types of housing assistance.

Part 2: Calculation

To determine if your project uses at least 51 percent of funding to provide permanent supportive housing, please make the following calculation:

a. Amount of HOPWA funds providing permanent supportive housing (Total of Column B)	
b. Total amount of project activities (Total of Column A)	
c. Divide Row (a) by Row (b) and multiply by 100.	X100
d. Percentage of project funds providing permanent supportive housing.	*

***Please note:**

1) If the percentage is less than 51 percent, you are not eligible to apply for renewal under Part B.
2) If the percentage is 51 percent or over, you are eligible to apply for renewal under Part B and must complete the "Certification of Permanent Supportive Housing".

Part 3: Other Resources

If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, as follows:

A. Permanent Housing. Permanent housing provided through other resources must be documented in the renewal application through a leveraging letter. The leveraging letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing. See Part D, Section V, Rating 4: Leveraging Resources of the HOPWA NOFA, for acceptable leveraging letter examples.

B. Supportive Services. Supportive services provided through other resources must be documented through a commitment letter(s), which outline(s) the type of support that will be provided to clients, the organizations providing such support, and the length of time such supportive will be available. Supportive services must be available to clients in permanent housing throughout the term of the renewal grant.

HOPWA Need for Renewal Chart

Please complete the following chart and submit with your Need for Renewal Narrative. HUD will review this chart and determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

To be eligible, the HOPWA grant must be an expiring grant, defined as a grant that will not have sufficient funds to continue activities until September 30, 2003, if not awarded additional Federal funds. The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended before September 30, 2003 (as measured by reimbursements filed with HUD under the financial system, PAS). HUD may deobligate funding of HOPWA grants that have been renewed on this basis and fail to expend funding by the September 30, 2003.

In addition, if the grant expired in the Federal Fiscal Year 2001 or earlier, i.e. all funds were expended (as measured by PAS) by 9-30-01 or only a residual amount that is less than one percent of the amount of the prior grant remains, you are **not eligible** to apply for renewal funding under this notice.

Line 1	Indicated the amount of the prior HOPWA award.	$
Line 2	Indicate the amount expended as of 9-30-01.	$
Line 3	Subtotal: subtract Line 2 from Line 1. (See Item 1 below.)	$
Line 4	Indicate the amount to be expended in FY2002. (By September 30, 2002)	$
Line 5	Indicate the amount to be expended in FY2003. (By September 30, 2003)	$
Line 6	Subtotal: Subtract Lines 4 and 5 from Line 3. (See Item 2 below)	$

1. If the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice.

2. If the subtotal on Line 6 is greater than zero, you are **not eligible** to apply for renewal funding under the HOPWA Renewal Section of HUD's SuperNOFA. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office.

HOPWA Renewal Project Budget Form

A. Renewal Project Summary Budget. In column A, enter the amount of HOPWA funding that was awarded under the prior HOPWA award (including any change approved by HUD). In column B, enter the total amount of new HOPWA funds being requested as outlined below in Section B: "Annual Summary Budget" – Column D. In column C, enter any other funds (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA renewal funds to undertake the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns B and C) in column D. Enter the totals of each column in line 13 of the budget form.

Eligible Activity	HOPWA Project Funding			
	A. Original/Amd.	B. Renewal Amt.*	C. Other	D. Total
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity) _____	$	$	$	$
9. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
13. Total	$	$	$	$

*Note: Column B should reflect the total of funding requested for all years as outlined in Section B.

HOPWA NOFA – Appendix A

B. Annual Summary Budget. In columns A through C enter the requested amount of HOPWA funds by year. The term of the grant may be up to 3 years. You may request up to 20 percent more than the original award for renewal by activity, but the total requested funds must not exceed $1,200,000. For additional details on eligible activities and limitations, consult the program regulations at 24 CFR 574.300-340. One-time capital development costs are not eligible for renewal. In column D, enter the total amount of requested HOPWA funds for each year by summing columns A through C. The totals in Column D should equal the totals in Column B in Section A-"Renewal Project Summary Budget" and should represent your total request for HOPWA funds. Enter the totals of each column in line 13 of the budget form.

Indicate the number of years you are requesting renewal funding (1-3 years). _____

Eligible Activity	HOPWA Project Funding			
	A. Year 1	B. Year 2	C. Year 3	D. Total *
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity) _____	$	$	$	$
9. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
13. Total	$	$	$	$

*Note: Totals in this column should equal the totals in Column B, Section A – "Renewal Project Summary Budget".

C. Renewal Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA renewal funds under this application, please complete the Renewal Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed by the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be numbered as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA renewal funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity.

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three-year grant period.*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term.*	

E. For each HOPWA Eligible Activity (lines 1-10), enter the amount of requested HOPWA renewal funds. NOTE: A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor should equal the totals entered in Section A- Column B of the Renewal Project Summary Budget.

HOPWA NOFA – Appendix A

A. HOPWA Renewal Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

Is the organization a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes ☐ No

D. Eligible Activity and Description	**E. HOPWA Renewal Request**
1. Lease	$
Description:	
2. Operating Costs	$
Description:	
3. Supportive Services	$
Description:	
4. Housing Information	$
Description:	
5. Technical Assistance and Resource Identification	$
Description:	
6. Rental Assistance	$
Description:	
7. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	

Form, page 2

8. Other (please indicate the activity)	$
Description:	
9. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
10. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA NOFA – Appendix A

HOPWA Renewal Project Information Form

A. Grant Number
Please provide the grant number of the HOPWA grant for which you are seeking renewal.

Grant Number		**Year Funded:**	

B. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

C. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your proposed project, the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person.

Are new project sponsor(s) being added to the renewal project? Yes ☐ / No ☐
Please note you must provide an Organizational Capacity Narrative if a new project sponsor is added to your renewal project.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality. Please indicate if the site location is confidential or a public site by checking the appropriate box below.

☐ Confidential Site.
(Do not release the street location of this project.)

☐ Public Site.
(The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure.

D. Summary of Proposed Accomplishments.

Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if renewal project is funded and is fully implement and operational.

		Accomplishment by Year		
1.	**Facility-based Housing: Enter total units to be provided.**	Year 1	Year 2	Year 3
	Short-term facility			
	Single room occupancy dwelling ☐ Permanent ☐ Non-Permanent			
	Community residence ☐ Permanent ☐ Non-Permanent			
	Other housing facility (specify) _____ ☐ Permanent ☐ Non-Permanent			
2.	**Scattered-site Payments**	Year 1	Year 2	Year 3
	Tenant-based rental assistance			
	Short-term rent, mortgage, and utility payments			
	Total Units			

Example: If your four-unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

		Accomplishment by Year		
		Year 1	Year 2	Year 3
1.	Number of persons with HIV/AIDS who will receive some form of housing assistance			
2.	Number of family members of the above who will be residing with the person receiving housing assistance			
3.	Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4.	Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5.	Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your 4 unit community residence each year and new clients enter the project, enter your best estimate of all the persons projected to be served for each year.

E. Additional Information

The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

☐ Severely Mentally Ill ☐ Chronic Substance Abuse ☐ Veterans

☐ Multiply-Diagnosed ☐ Victims of Domestic Violence

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas, or (2) is outside of the urbanized areas within a Metropolitan Area.)

☐ Yes ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Local Field Office Contact List

NEW ENGLAND	CPD DIRECTOR	PHONE
CONNECTICUT STATE OFFICE ONE CORPORATE CENTER, 19TH FLOOR HARTFORD, CT 06103-3220	**MARY ELLEN MORGAN**	**860-240-4800**
NEW HAMPSHIRE STATE OFFICE 275 CHESTNUT ST. NORRIS COTTON BLDG. MANCHESTER, NH 03101-2487	**RICHARD HATIN**	**603-666-7640**
MASSACHUSETTS STATE OFFICE 10 CAUSEWAY STREET, ROOM 301 BOSTON, MA 02222-1092	**JAMES BARNES**	**617-994-8355**
NEW YORK/ NEW JERSEY		
BUFFALO AREA OFFICE 465 MAIN STREET, FIFTH FLOOR BUFFALO, NY 14203-1780	**MICHAEL F. MERRILL**	**716-551-5755**
NEW JERSEY STATE OFFICE ONE NEWARK CENTER, 13TH FLOOR NEWARK, NJ 07102-5260	**KATHLEEN NAYMOLA**	**973-622-7900**
NEW YORK STATE OFFICE 26 FEDERAL PLAZA NEW YORK, NY 10278-0068	**JOSEPH D'AGOSTA**	**212-264-0771**
MID-ATLANIC		
MARYLANDSTATE OFFICE 10 S. HOWARD ST., 5TH FLOOR CITY CRESCENT BLDG. BALTIMORE, MD 21201-2505	**JOSEPH O'CONNOR**	**410-962-2520**
PENNSYLVANIA STATE OFFICE WANAMAKER BLDG. 100 PENN SQUARE EAST PHILADELPHIA, PA 19107-3390	**JOYCE GASKINS**	**215-656-0624**

PITTSBURGH STATE OFFICE 339 6TH AVENUE, 6TH FLOOR PITTSBURG, PA 15222-2515	**LYNN DANIELS**	**412-644-2999**
VIRGINIA STATE OFFICE 600 EAST BROAD STREET RICHMOND, VA 23230-4920	**CARLOS RENTERIA**	**804-771-2100**
DISTRICT OF COLUMBIA OFFICE 820 1ST ST., N.E., STE. 450 WASHINGTON, DC 20002-4205	**RONALD HERBERT**	**202-275-0994**
SOUTHEAST/CARIBBEAN		
ALABAMA STATE OFFICE MEDICAL FORUM BUILDING SUITE 900 950 22ND STREET NORTH BIRMINGHAM, AL 35203	**HAROLD COLE**	**205-731-2630**
CARIBBEAN OFFICE 159 CARLOS E. CHARDON AVENUE SAN JUAN, PR 00918-1804	**CARMEN R. CABRERA**	**787-766-5400**
FLORIDA STATE OFFICE 909 SOUTHEAST 1ST AVE., RM 500 MIAMI, FL 33131	**JACK JOHNSON**	**305-536-4431**
GEORGIA STATE OFFICE 40 MARIETTA STREET FIVE POINTS PLAZA -15TH FLOOR ATLANTA, GA 30303-3388	**JOHN PERRY**	**404-331-5001**
JACKSONVILLE AREA OFFICE SOUTHERN BELL TOWER 301 WEST BAY STREET, STE. 2200 JACKSONVILLE, FL 32202-5121	**JAMES N. NICHOL**	**904-232-1777**
KENTUCKY STATE OFFICE 601 W. BROADWAY LOUISVILLE, KY 40202	**BEN COOK**	**502-582-6163**
MISSISSIPPI STATE OFFICE 100 WEST CAPITOL STREET, RM 910 JACKSON, MS 39269-1096	**EMILY EBERHARDT**	**601-965-4700**

NORTH CAROLINA STATE OFFICE KOGER BLDG. 2306 W. MEADOWVIEW RD. GREENSBORO, NC 27407-3707	**TOM FEREBEE**	**336-547-4005**
SOUTH CAROLINA STATE OFFICE S. THURMON FED. BLDG. 1835 ASSEMBLY STREET COLUMBIA, SC 29201-2480	**LOUIS E. BRADLEY**	**803-765-5564**
KNOXVILLE AREA OFFICE 710 LOCUST STREET, 3RD FLOOR KNOXVILLE, TN 37902-2526	**VIRGINIA E. PECK**	**865-545-4391**

MIDWEST

ILLINOIS STATE OFFICE 77 WEST JACKSON BOULEVARD RALPH METCALFE BLDG. CHICAGO, IL 60604-3507	**VICTOR THORNTON**	**312-353-1696**
INDIANA STATE OFFICE 151 NORTH DELAWARE STREET INDIANAPOLIS, IN 46204-2526	**ROBERT POFFENBERGER**	**317-226-6303**
MICHIGAN STATE OFFICE PATRICK MCNAMARA BUILDING 477 MICHIGAN AVENUE DETROIT, MI 48226-2592	**JEANETTE HARRIS**	**313-226-7908**
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WISCONSIN STATE OFFICE 310 W. WISCONSIN AVENUE, STE 1380 MILWAUKEE, WI 53203-2289	**ROBERT BERLAN**	**414-297-3214**

SOUTHWEST

ARKANSAS STATE OFFICE 425 WEST CAPITAL AVENUE TCBY TOWER, STE. 900 LITTLE ROCK, AR 72201-3488	**DANNY CARTER,** **ACTING DIRECTOR**	**501-324-6375**

LOUISIANA STATE OFFICE 501 MAGAZINE STREET, HALE BOGGS, 9TH FLOOR NEW ORLEANS, LA 70130-3099	**GREG HAMILTON**	**504-589-7212**
NEW MEXICO STATE OFFICE 625 SILVER AVENUE, SW, STE. 100 ALBUGUERQUE, NM 87110-6472	**FRANK PADILLA**	**505-346-7271**
OKLAHOMA STATE OFFICE 500 WEST MAIN STREET, STE. 40 OKLAHOMA CITY, OK 73102	**DAVID H. LONG**	**405-553-7569**
SAN ANTONIO STATE OFFICE WASHINGTON SQUARE 800 DELOROSA STREET SAN ANTONIO, TX 78207-4563	**JOHN T. MALDONADO**	**210-475-6820**
TEXAS STATE OFFICE 801 N. CHERRY STREET, 6T1 25th FLOOR FORT WORTH, TX 76102	**KATIE WORSHAM**	**817-978-5934**

GREAT PLAINS

KANSAS/MISSOURI STATE OFFICE GATEWAY TOWER II 400 STATE AVENUE, RM 200 KANSAS CITY, KS 66101-2406	**WILLIAM ROTERT**	**913-551-5485**
NEBRASKA STATE OFFICE 10909 MILL VALLEY ROAD OMAHA, NE 68154-3955	**GREGORY A. BEVIRT**	**402-492-3181**
ST. LOUIS AREA OFFICE 1222 SPRUCE STREET, 3RD FLOOR SUITE 1200 ST. LOUIS, MO 63103-2836	**ANN WIEDL**	**314-539-6524**

ROCKY MOUNTAIN

COLORADO STATE OFFICE FIRST INTERSTATE TOWER NORTH 633 - 17TH STREET DENVER, CO 80202-3607	**GUADLUPE M. HERRERA**	**303-672-5414**

PACIFIC / HAWAII

CALIFORNIA STATE OFFICE 450 GOLDEN GATE AVENUE SAN FRANCISCO, CA 94102-3448	**STEVE SACHS**	**415-436-6597**
	JIMMY PRATER **DEPUTY DIRECTOR**	**415-436-6592**
HAWAII STATE OFFICE 500 ALA MOANA BLVD. , STE 3A HONOLULU, HI 96813-4918	**MARK CHANDLER, ACT'G**	**808-522-8180**
LOS ANGELES AREA OFFICE AT&T CENTER 611 W. 6TH STREET, STE. 800 LOS ANGELES, CA 90015-3801	**WILLIAM BARTH**	**213-894-8000**
PHOENIX AREA OFFICE 400 NORTH 5TH STREET, STE. 1600 PHOENIX, AZ 85004	**MARTIN H. MITCHELL,** **PROGRAM MANAGER**	**602-379-4754**

NORTHWEST/ALASKA

ALASKA STATE OFFICE 949 EAST 36TH AVENUE, STE. 401 ANCHORAGE, AK 99508-4135	**ANDREW "GUS" SMITH,** **ACT'G**	**907-271-3669**
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	DON PHILLIPS, DEPUTY **DIRECTOR**	

HOPWA NOFA – Appendix C

FY 2002 HOPWA Formula Allocations
Including Non-Eligible Areas

On November 29, 2001, HUD announced that $247.889 million, or 90 percent of the total FY2002 HOPWA appropriation of $277.432 million, was allocated under the statutory formula to 108 HOPWA grantees, including 74 cities for Eligible Metropolitan Statistical Areas (EMSA's) and 34 States. The grantee for these amounts is the State or, for the EMSA, the most populous city in that area, which is the jurisdiction noted below. The State of New Jersey will administer funds for the four New Jersey Counties that are in the Philadelphia Metropolitan Area. Each of the allocations are made available under the jurisdiction's consolidated plan.

Three new FY2002 grantees are noted as (*) in following metropolitan areas: Charleston, SC, Greenville, SC, and Tucson, AZ. The new EMSA's will reduce the prior service areas of two State grants in Arizona and South Carolina. In addition Wake County, NC was given authorization to administer the grant to the Raleigh Metropolitan Area.

For further information regarding HOPWA formula grantees visit the HOPWA website at http://www.hud.gov/offices/cpd/aidshousing.

STA	NAME	2002 Amount
AL	BIRMINGHAM	$469,000
AL	ALABAMA STATE PROGRAM	$1,076,000
AZ	PHOENIX	$1,299,000
AZ	TUCSON*	$376,000
AZ	ARIZONA STATE PROGRAM	$121,000
AR	ARKANSAS STATE PROGRAM	$706,000
CA	LOS ANGELES	$10,288,000
CA	OAKLAND	$1,969,000
CA	RIVERSIDE	$1,699,000
CA	SACRAMENTO	$784,000
CA	SAN DIEGO	$2,593,000
CA	SAN FRANCISCO	$9,414,000
CA	SAN JOSE	$764,000
CA	SANTA ANA	$1,389,000
CA	CALIFORNIA STATE PROGRAM	$2,952,000
CO	DENVER	$1,374,000
CT	HARTFORD	$996,000
CT	NEW HAVEN	$706,000
CT	CONNECTICUT STATE PROGRAM	$1,137,000
DE	WILMINGTON	$1,015,000
DE	DELAWARE STATE PROGRAM	$150,000
DC	WASHINGTON	$10,451,000
FL	FT LAUDERDALE	$6,960,000
FL	MIAMI	$12,482,000
FL	ORLANDO	$2,711,000

FL	TAMPA	$2,771,000
FL	WEST PALM BEACH	$3,960,000
FL	JACKSONVILLE-DUVAL	$1,865,000
FL	FLORIDA STATE PROGRAM	$4,129,000
GA	ATLANTA	$3,884,000
GA	GEORGIA STATE PROGRAM	$1,701,000
HI	HONOLULU	$438,000
HI	HAWAII STATE PROGRAM	$160,000
IL	CHICAGO	$5,301,000
IL	ILLINOIS STATE PROGRAM	$691,000
IN	INDIANAPOLIS	$708,000
IN	INDIANA STATE PROGRAM	$751,000
KY	LOUISVILLE	$405,000
KY	KENTUCKY STATE PROGRAM	$390,000
LA	BATON ROUGE	$999,000
LA	NEW ORLEANS	$2,602,000
LA	LOUISIANA STATE PROGRAM	$933,000
MD	BALTIMORE	$7,033,000
MA	BOSTON	$2,416,000
MA	SPRINGFIELD	$535,000
MA	MASSACHUSETTS STATE PROGRAM	$1,072,000
MI	DETROIT	$1,913,000
MI	MICHIGAN STATE PROGRAM	$856,000
MN	MINNEAPOLIS	$817,000
MN	MINNESOTA STATE PROGRAM	$107,000
MS	MISSISSIPPI STATE PROGRAM	$1,097,000
MO	KANSAS CITY	$959,000
MO	ST LOUIS	$1,155,000
MO	MISSOURI STATE PROGRAM	$484,000
NV	LAS VEGAS	$891,000
NV	NEVADA STATE PROGRAM	$225,000
NJ	DOVER TOWNSHIP	$707,000
NJ	JERSEY CITY	$2,707,000
NJ	NEWARK	$6,979,000
NJ	PATERSON	$1,333,000
NJ	WOODBRIDGE	$786,000
NJ	NEW JERSEY STATE PROGRAM	$1,991,000
NM	NEW MEXICO STATE PROGRAM	$501,000
NY	ALBANY	$432,000
NY	BUFFALO	$446,000
NY	ISLIP TOWN	$1,633,000
NY	NEW YORK CITY	$49,409,000
NY	ROCHESTER	$566,000
NY	NEW YORK STATE PROGRAM	$2,239,000
NC	CHARLOTTE	$520,000
NC	GREENSBORO	$413,000
NC	WAKE COUNTY	$494,000

NC	NORTH CAROLINA STATE PROGRAM	$1,172,000
OH	CINCINNATI	$464,000
OH	CLEVELAND	$824,000
OH	COLUMBUS	$543,000
OH	OHIO STATE PROGRAM	$1,020,000
OK	OKLAHOMA CITY	$491,000
OK	OKLAHOMA STATE PROGRAM	$491,000
OR	PORTLAND	$950,000
PA	PHILADELPHIA	$7,125,000
PA	PITTSBURGH	$579,000
PA	PENNSYLVANIA STATE PROGRAM	$1,443,000
RI	PROVIDENCE	$521,000
SC	CHARLESTON*	$524,000
SC	COLUMBIA	$1,019,000
SC	GREENVILLE*	$374,000
SC	SOUTH CAROLINA STATE PROGRAM	$1,041,000
TN	MEMPHIS	$1,801,000
TN	NASHVILLE-DAVIDSON	$1,454,000
TN	TENNESSEE STATE PROGRAM	$694,000
TX	AUSTIN	$948,000
TX	DALLAS	$3,022,000
TX	FORT WORTH	$798,000
TX	HOUSTON	$4,653,000
TX	SAN ANTONIO	$965,000
TX	TEXAS STATE PROGRAM	$2,779,000
UT	SALT LAKE CITY	$421,000
UT	UTAH STATE PROGRAM	$65,000
VA	RICHMOND	$638,000
VA	VIRGINIA BEACH	$957,000
VA	VIRGINIA STATE PROGRAM	$614,000
WA	SEATTLE	$1,641,000
WA	WASHINGTON STATE PROGRAM	$608,000
WI	MILWAUKEE	$483,000
WI	WISCONSIN STATE PROGRAM	$385,000
PR	SAN JUAN MUNICIPIO	$7,831,000
PR	PUERTO RICO STATE PROGRAM	$2,266,000

Non-Eligible Areas:

The following areas are not eligible for HOPWA FY 2002 formula allocations. State and units of general local government from these areas may apply for HOPWA projects under the Long-Term category of grants as detailed in the HOPWA program section of the SuperNOFA.

STATE	NON-ELIGIBLE AREAS
AK	State of Alaska
CO	State of Colorado (outside of Denver, EMSA)
IA	State of Iowa
ID	State of Idaho
KS	State of Kansas (outside of Kansas City, EMSA)
ME	State of Maine
MD	State of Maryland (outside of Baltimore, Washington DC, and Wilmington EMSA)
MT	State of Montana
ND	State of North Dakota
NE	State of Nebraska
NH	State of New Hampshire (outside of Boston, EMSA)
OR	State of Oregon (outside of Portland, EMSA)
RI	State of Rhode Island (outside of Providence, EMSA)
SD	State of South Dakota
VT	State of Vermont
WV	State of West Virginia (outside of Washington DC, EMSA)
WY	State of Wyoming
	Virgin Islands
	Pacific Islands

HOPWA NOFA – Appendix D

HOPWA Application Checklist

Checklist of Exhibits

Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Application for Federal Assistance (Form SF-424) and (HUD-424M)
- ☐ Project Synopsis and Executive Summary
- ☐ Exhibit 1 Applicant and Sponsor Information
- ☐ Exhibit 2 Need/Extent of Problem
- ☐ HOPWA Project Information Form
- ☐ Exhibit 3 Soundness of Approach
- ☐ HOPWA Project Budget Form
- ☐ Exhibit 4 Leveraging
- ☐ Exhibit 5 Coordination, Self-Sufficiency, and Sustainability
- ☐ Statutory Certifications (Required by law)
- ☐ Acknowledgement of Application Receipt (Optional) (HUD-2993)
- ☐ Evaluation by Customer (Optional) (HUD-2994)

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HOPWA Project Information Form

Exhibit 3: Proposed HOPWA Project / Soundness of Approach
Please complete form and place before the Soundness of Approach narrative section of your application.

A. Category of Assistance. Check only one of the following two boxes.

☐ **Category 1: Special Projects of National Significance.**

☐ **Category 2: Projects which are part of long-term comprehensive strategies for providing housing and related services** in an area that did not qualify for a HOPWA formula award.

B. Duplication of Assistance Requested. Please indicate if you or your project sponsor is seeking funding under this HOPWA competition for an activity that is duplicated in an application under the HUD Continuum of Care Homeless Assistance 2002 competition as follows:

☐ A proposed HOPWA activity is identical and ***duplicates funding*** requested in an application for HUD continuum of care funding;

☐ A proposed activity is related but ***not identical*** to the requested funding.

☐ No related assistance is being requested.

D. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

C. Summary of Proposed Accomplishments.

Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if project is funded and is fully implement and operational.

		Accomplishment by Year		
1.	**Facility-based Housing: Enter total units to be provided.**	Year 1	Year 2	Year 3
	Short-term facility			
	Single room occupancy dwelling ☐ Permanent ☐ Non-permanent			
	Community residence ☐ Permanent ☐ Non-permanent			
	Other housing facility (specify)_____ ☐ Permanent ☐ Non-permanent			
2.	**Scattered-site Payments**	Year 1	Year 2	Year 3
	Tenant-based rental assistance			
	Short-term rent, mortgage, and utility payments			
	Total Units			

Example: If your four-unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

		Accomplishment by Year		
		Year 1	Year 2	Year 3
1.	Number of persons with HIV/AIDS who will receive some form of housing assistance			
2.	Number of family members of the above who will be residing with the person receiving housing assistance			
3.	Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4.	Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5.	Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your four unit community residence each year and new clients enter the project, enter you best estimate of all the persons projected to be served for each year.

E. Project Sponsors and Sites. Below or on a separate page, if needed, identify all the project sponsors that are involved in your proposed project, including the amount of funds each will utilize; and the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person. Your narrative on the proposed program activities should also specify which activities each sponsor will be carrying out.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for new construction, acquisition, rehabilitation, operating costs, and/ or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality.

☐ Confidential Site. (Do not release the street location of this project.)

☐ Public Site. (The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure (except for new constructions).

F. Additional Information

The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

- ☐ Severely Mentally Ill
- ☐ Chronic Substance Abuse
- ☐ Multiply-Diagnosed
- ☐ Victims of Domestic Violence
- ☐ Veterans

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas, or (2) is outside of the urbanized areas within a Metropolitan Area.)

- ☐ Yes
- ☐ No

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HOPWA Project Budget Form

A. Project Summary Budget. In columns A & B, enter the appropriate amount of funding that will be utilized for the HOPWA eligible activity for all years requested. For example, in column A enter the amount of HOPWA funds being requested for each eligible activity. In column B, enter the amount of other funds, if any, (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA funds to complete the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns A & B) in column C. Enter the totals of each column in line 16 of the budget form. For additional details on eligible activities and limitations, consult the program regulations at 24 CGR 574.300-340.

Eligible Activity	Project Funding		
	A. HOPWA	B. Other	C. Total
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion*	$	$	$
3. New Construction*	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services (May not exceed 35% of activity costs.)	$	$	$
7. Housing Information	$	$	$
8. Technical Assist. & Resource Identification (May not exceed 20% of activity costs.)	$	$	$
9. Rental Assistance	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3)	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$
16. Total	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

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B. Annual Summary Budget. In columns A through C enter the requested amount of HOPWA funds by year. The term of the grant may be up to 3 years. In column D, enter the total amount of requested HOPWA funds for each year by summing columns A through C. The totals in Column D should equal the totals in Column A in Section A-"Project Summary Budget" and should represent your total request for HOPWA funds. Enter the totals of each column in line 16 of the budget form.

Indicate the number of years you are requesting renewal funding (1-3 years). ____

Eligible Activity	Project Funding			
	A. Year 1	B. Year 2	C. Year 3	D. Total
1. Acquisition	$	$	$	$
2. Rehabilitation, Repair, & Conversion*	$	$	$	$
3. New Construction*	$	$	$	$
4. Lease	$	$	$	$
5. Operating Costs	$	$	$	$
6. Supportive Services (May not exceed 35% of activity costs)	$	$	$	$
7. Housing Information	$	$	$	$
8. Technical Assist. & Resource Identification (May not exceed 20% of activity costs.)	$	$	$	$
9. Rental Assistance	$	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3) ____	$	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
16. Total	$	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

C. Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA funds under this application, please complete the Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be number as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity as presented in your application. In addition, reference the project goal or objective which corresponds to the described activity. See the below examples:

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three year grant period. (See Project Goals/Objectives, Goal 1 pg. 23)*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term. (See Project Goals/Objectives, Goal 3, pg. 21)*	

E. For each HOPWA Eligible Activity (lines 1-13), enter the amount of requested HOPWA funds. NOTE: A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor, should equal the totals entered in Section A - Column A of the Project Summary Budget.

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A. HOPWA Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor:

_____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

Is the organization a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes ☐ No

D. Eligible Activity and Description	E. HOPWA Request
1. Acquisition	$
Description:	
2. Rehabilitation, Repair & Conversion	$
Description:	
3. New Construction	$
Description:	
4. Lease	$
Description:	
5. Operating Costs	$
Description:	
6. Supportive Services	$
Description:	
7. Housing Information	$
Description:	

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Form, Page 2

D. Eligible Activity and Description	E. HOPWA Request
8. Technical Assistance and Resource Identification	$
Description:	
9. Rental Assistance	$
Description:	
10. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
11. Other (name the type of alternative activity that is also described exhibit 3)	$
Description:	
12. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
13. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA NOFA – Appendix D

Leveraging HOPWA Resources

Leveraging

Applicants will receive points to the extent that they document resources that are being brought to the project from other public or private sources. Enter in this chart the cash value of documented cash and in-kind resources from other public (including other Federal) and private sources that are committed to the project during the grant period.

Value of Documented Resources

Resource	Page No. of Documentation	Cash Value	HUD Use Only
a. Cash		$	
b. Non-cash Resources		$	
c. Volunteer Time		$	
d. Contribution of a Building		$	
e. Contribution of a Building to be Acquired with HOPWA		$	
f. Contribution of a Leasehold interest		$	
Total of all Leveraging		$	

HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. Within the HOPWA eligible population, it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR Part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the

greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to per-sons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit discrimination based on handicap in Federally-assisted programs and activities.

It will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, and where applicable, the design and construction requirements of the Fair Housing Act.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested per-sons can obtain information concerning the assistance.

2. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR Part 24.

3. It will not acquire, rehabilitate, convert, lease, repair or construct property to provide housing or commit HUD, State, local or other funds to program activities with respect to any eligible property until it has obtained HUD approval of form HUD-7015.15, "Request for the Release of Funds and Certification" of compliance with the National Environmental Policy Act and implementing regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) or, in cases where HUD has performed the environmental review, the Applicant has obtained HUD approval of the site following HUD's completion of form HUD-4128.

4. Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than three years in cases involving non-substantial rehabilitation or repair of a building or structure.

5. It and its principals (see 24 CFR 24.105(p)):

(a) are not presently debarred, suspended, proposed for debarment,

declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency;

(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted for or other-wise criminally or civilly charged by a govern-mental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and

(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

HOPWA Applicant Certifications

Signature of Authorized Certifying Official & Date

X

Title

Name of Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES (MAINSTREAM PROGRAM)

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide vouchers under the Housing Choice Voucher Program to enable persons with disabilities (elderly and non-elderly) to access affordable private housing.

Available Funds. Approximately $53.9 million in five-year budget authority, derived from Section 811 funding, for approximately 1,900 vouchers is available to public housing agencies (PHAs) and nonprofit disability organizations.

Applications are also being invited from PHAs for one-year budget authority funding (non-Section 811 funds) that HUD anticipates may be available for the Mainstream Program in FY 2002. Specifically, any portion of the $40 million in one-year budget authority contained in FY 2002 appropriations related to designated housing plans; preferences in occupancy for the elderly in certain types of Section 8 project-based developments; or restrictions in occupancy to elderly only in certain types of Section 202, Section 221(d)(3), or Section 236 developments remaining unobligated and not needed to fund approvable applications under these programs will be added to the approximately $53.9 million in five-year budget authority available under this announcement. This one-year budget authority will be used only for non-elderly disabled families.

See section II(A) of this funding announcement which fully addresses (1) the source of the $53.9 million in five-year budget authority appropriated by Congress for FY 2002 under Section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), and (2) the source of the non-Section 811 funds comprising one-year budget authority which may also be available under this funding announcement. All future references in this funding announcement to five-year budget authority or one-year budget authority, respectively, are based upon these funding sources.

Eligible Applicants. PHAs and nonprofit disability organizations that provide services to disabled families are eligible to apply for the $53.9 million in five-year budget authority for applications submitted in FY 2002. While PHAs and nonprofit disability organizations are eligible to apply for the $53.9 million in five-year budget authority available under this announcement, only PHAs are eligible to apply for the one-year budget authority that may also be available under this announcement (see Section II(A) of this announcement regarding the possibility of one-year funding also being available for the Mainstream Program). PHAs or nonprofit disability organizations that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

The vouchers that HUD will provide under this announcement must be made available to eligible disabled families regardless of their type of disability. (See the definition of disabled family in Section IV(E) of this announcement.) The Mainstream Program vouchers must not be issued by the administering agency on the basis of any preference system favoring any particular type of disability over another, nor shall the vouchers be issued solely on the basis of an administering agency's waiting list which is based on that agency's having heretofore served only certain types of disabled persons. The Housing Choice Voucher Program regulations provide at 24 CFR 982.207(c) that a PHA may give preference for admission of families that include a person with disabilities; however, the PHA may not give preference for admission of persons with a specific disability. This regulatory requirement is also applicable to nonprofit disability organizations who receive funding under this announcement as such organizations must comply with the regulatory requirements applicable to the Housing Choice Voucher Program.

Application Deadline. July 22, 2002.

Match. None.

Additional Information

If you are interested in applying for funding under the Mainstream Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your completed application (an original and one copy) to HUD on or before July 22, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.* This application deadline date is firm. In the interest of fairness to all competing PHAs and nonprofit disability organizations, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of one original and one copy. Submit your original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.* The Grants Management Center (GMC) is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered. A copy of the application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and the local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications sent to Headquarters may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC on or within fifteen (15) days

of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding for the Mainstream Program.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funding for Mainstream Program.* Approximately $53.9 million in five-year funding is available for approximately 1,900 vouchers. This allocation is consistent with the FY 2002 HUD Appropriations Act which provides that the Secretary of HUD may designate up to 25 percent of the amounts earmarked for supportive housing for persons with disabilities, under section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), for tenant-based assistance. The $53.9 million in five-year budget authority made available to applicants under this Mainstream Program funding announcement does not exceed 25 percent of the $240.9 million made available for the Section 811 Program under the FY 2002 HUD Appropriations Act.

All of the approximately $53.9 million in funding is for use in the housing of elderly and non-elderly disabled families. HUD will supplement the $53.9 million of five-year budget authority with additional funding of up to as much as $40 million in one-year budget authority initially earmarked for (1) housing choice vouchers for non-elderly disabled families in support of designated housing plans, and (2) non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or non-elderly disabled families not being housed in certain section 202, section 221(d)(3) and section 236 developments (or portions thereof) where the owners have restricted occupancy to elderly families. The FY 2002 HUD Appropriations Act states that to the extent the Secretary determines that the FY 2002 appropriations related to designated housing plans and certain types of Section 8 project-based developments and certain types of section 202, section 221(d)(3) and section 236 developments are not needed to fund applications, the funds may be used for other non-elderly disabled families. Any such remaining funds will be used to supplement funding for the Mainstream Program.

(B) *Funding for the Section 811 Program.* The Section 811 Program of Supportive Housing for Persons With Disabilities, located elsewhere in the SuperNOFA, provides capital advances and project rental assistance in FY 2002. The Section 811 Program of Supportive Housing for Persons With Disabilities will provide funding to nonprofit organizations (sponsors) for the development and operation of small, scattered-site housing to enable adults with disabilities to live as independently as possible in the community. The capital advance does not need to be repaid as long as the housing is used for its intended purpose for at least 40 years. The project rental assistance funds cover the difference between the HUD-approved operating expenses of the housing and the tenant's contribution towards rent, which is 30 percent of adjusted income. The types of housing that are typically developed through the program are small group homes for no more than six persons, independent living projects containing individual apartment units for no more than 18 persons, and condominium units. Sponsors are required to ensure that residents have access to any necessary supportive services but cannot require the acceptance of such as a condition of occupancy.

(C) *Housing Choice Voucher Funding.*

(1) *Lottery.* HUD will select approvable applications for funding by lottery in the event approvable applications are received for more funding than is available under this Mainstream Program announcement. In such event, a separate lottery will be held first to select applications for funding for the $53.9 million available in five-year budget authority available under this announcement, and a separate lottery will be held to select applications for funding for whatever amount of one-year budget authority may be available during FY 2002 for the Mainstream Program. PHAs should clearly indicate in their applications if they are applying for both five-year and one-year funding in order to ensure their inclusion in both lotteries. This would allow the last selected application (if a PHA) under the five-year funding lottery to be automatically funded with one-year budget authority for the remaining number of vouchers requested, but for which there was insufficient five-year budget authority at the point the PHA was selected in the five-year funding lottery. This would also allow a PHA to be automatically included in the lottery for one-year budget authority funding if not fortunate enough to be selected for any funding in the five-year budget authority lottery. PHAs applying for one-year funding must make it clear in their applications that they have a sufficient number of non-elderly disabled families to support the number of vouchers being requested. *As indicated earlier in this announcement, one-year budget authority funding is for use only by PHAs solely for non-elderly disabled families, whereas five-year budget*

authority is for use by PHAs and nonprofit disability organizations for both elderly and non-elderly disabled families.

(2) *Maximum Voucher Request.* There is a limit on the number of vouchers that may be requested. An eligible applicant may apply for a maximum of 75 vouchers. No more than a grand total of 75 vouchers will be awarded to any applicant under the FY 2002 Mainstream Program; i.e., a PHA or nonprofit disability organization receiving five-year budget authority funding shall be funded for no more than 75 vouchers; a PHA receiving a combination of five-year and one-year budget authority shall be funded for no more than 75 vouchers; and a PHA receiving only one-year budget authority funding shall be funded for no more than 75 vouchers.

(3) *Determination of Funding Amount for the Applicant's Requested Number of Vouchers.* HUD will determine the amount of funding that an applicant will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (Form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: Applicants who do not currently administer a housing choice voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(4) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to applicants that have not previously administered their own housing choice voucher program that are selected for funding under this announcement. The preliminary fee will be provided to such applicants only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants and Eligible Participants

(A) *Program Description.* The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide vouchers to enable persons with disabilities to access affordable private housing of their choice.

The Mainstream Program will assist PHAs and nonprofit disability organizations in providing housing choice vouchers to a segment of the population recognized by HUD's housing research as having one of the worst housing needs of any group in the United States; i.e., very low-income households with adults with disabilities. In addition, the Mainstream Program will assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

(B) *Eligible Applicants.* Public housing agencies (PHAs) and nonprofit disability organizations that provide services to the disabled {as defined in Section IV(E) of this announcement} are eligible applicants for the five-year budget authority funding available under this funding announcement. Only PHAs are eligible to apply for the one-year budget authority funding that may be available under this funding announcement. PHAs or nonprofit disability organizations that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply for new increments of housing choice voucher funding because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

(1) *PHAs.*

(a) A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum of 75 vouchers the PHA is eligible to apply for under section II(C)(2) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

(b) PHAs are encouraged to involve nonprofit disability organizations that provide services to disabled families, as defined in section III(B)(2) of this announcement, in the administration of the Mainstream Program's vouchers. Such organizations have frequently in the past demonstrated a capacity to assist disabled families, as well as have an in-depth knowledge of the disability community.

(i) A nonprofit disability organization could function as either a contract administrator for the PHA's Mainstream vouchers, or as a subcontractor responsible for providing case management services or assisting disabled families to locate suitable housing, gain access to supportive services, or identify private funding sources to cover the costs of unit modifications needed as a reasonable accommodation.

(ii) Such contractual arrangements must, however, ensure equal opportunity among the wide variety of disabled populations in the PHA's service area.

(c) In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled PHA designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement by the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not

eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Director of the Grants Management Center. The PHA may appeal the decision, in writing, if HUD has mistakenly classified the PHA as having unresolved major program findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(2) *Nonprofit Disability Organization.* An organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual, that provides services to persons with disabilities and has received a federal tax-exempt designation, under section 501(c)(3) of the Internal Revenue Code, from the U.S. Internal Revenue Service.

(a) The nonprofit entity must:

(i) Have a voluntary board;

(ii) Be authorized by its charter or State law to enter into a contract with the Federal Government to provide housing assistance to persons with disabilities;

(iii) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(iv) Practice nondiscrimination in the provision of assistance.

(b) A nonprofit disability organization meeting the definition of a nonprofit disability organization as defined in this Section III(B)(2), and wishing to apply for the funding available under this announcement must have the capacity to:

(i) Comply with the Section 8 Management Assessment Program (SEMAP) certification requirements under 24 CFR part 985.

(ii) Carry out such housing choice voucher and SEMAP specific related activities as making determinations as to rent reasonableness, performing housing quality standards (HQS) inspections and enforcement, conducting annual reexaminations of participant families, as well as otherwise meeting housing choice voucher program requirements under 24 CFR part 982.

(iii) Manage the Mainstream Program vouchers in a manner equivalent to an overall performance rating under SEMAP (24 CFR part 985) of ''standard'' during the first fiscal year of its receiving Mainstream Program funding.

(iv) Administer rental housing programs or manage rental housing, as demonstrated by a specific list of rental housing programs the nonprofit disability organization has administered or the rental housing the organization has managed (*e.g.* private rental housing, HUD or State-related housing programs, etc.).

Nonprofit disability organizations are encouraged to seek out PHAs in their geographic area to develop cooperative contractual relationships under the Mainstream Program, and to enhance services to disabled families. In addition to contacting local PHAs, nonprofit disability organizations may also wish to contact regional (multi-county), or statewide PHAs who may be applying for Mainstream Program funding.

(C) *Eligible Participants.* Only a disabled family that is income eligible under 24 CFR 982.201(b)(1), as well as otherwise eligible under the regulations at 24 CFR 982.201(b), may receive a voucher awarded under the Mainstream Program. While elderly and non-elderly disabled families are eligible to receive a voucher awarded to a PHA or nonprofit disability organization using five-year budget authority under this announcement, only non-elderly disabled families are eligible to receive a voucher awarded to a PHA using one-year budget authority that may be available for the Mainstream Program under this announcement. Applicants with disabilities must be selected from the PHA's or nonprofit disability organization's housing choice voucher waiting list. Additional information on those families and individuals eligible to receive a voucher is located at the following HUD Web site: *www.hud.gov/offices/pih/programs/hcv.*

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine their own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in the Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program Regulations.* Applicants must administer the Mainstream Program in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program. The only exception to this requirement shall be for nonprofit disability organizations which shall not be required to comply with the requirements of 24 CFR part 903 , subpart B as concerns the requirement for a PHA Plan.

(2) *Housing Choice Voucher Program Admission Requirements.* Housing choice voucher assistance must be provided to eligible disabled families in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (*e.g.,* the family initially selected for the program drops out of the program or is unsuccessful in the search

for a unit), the voucher may be used only for another family eligible for assistance under this announcement for five years for the five-year funding or for one year for the one-year funding under this announcement from the date the rental assistance is placed under an annual contributions contract (ACC). If there is ever an insufficient pool of disabled families on the PHA's or nonprofit disability organization's housing choice voucher waiting list, the PHA or nonprofit disability organization shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from housing choice voucher assistance. If the PHA's or nonprofit disability organization's housing choice voucher waiting list is closed, and if the PHA or nonprofit disability organization has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA or nonprofit disability organization should open the waiting list for applications from disabled families. PHAs and nonprofit organizations must take care to keep track of the number of disabled vouchers they have been awarded under this funding announcement versus the number of such vouchers that have actually been issued to disabled families.

(D) *PHA and Nonprofit Disability Organization Responsibilities.* In addition to the responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs and nonprofit disability organizations that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA or nonprofit disability organization programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rents to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.* The following definitions apply.

(1) *Disabled Family.* Disabled family means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Note: This definition applies to the approximately $53.9 million in five-year budget authority available under the Mainstream Program, as well as to any one-year budget authority that may be available. This definition shall be modified, however, to be limited solely to non-elderly disabled families (families whose head, spouse or sole member is disabled and under the age of 62) regarding any funding available and awarded from the approximately $40 million in FY 2002 for designated housing allocation plans, or in connection with certain Section 8 project-based developments or certain section 202, section 221(d)(3) or section 236 developments. See Section II(A) of this announcement regarding the possibility of additional Mainstream Program funding during FY 2002 beyond the approximately $53.9 million initially available.

(2) *Person with disabilities.* Means a person who:

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions;

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(3) *Housing choice voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; e.g., civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority is to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all applicants shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA,

or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA should inform all officers, employees and agents of its organization of the PHA's code of conduct.

V. Application Selection Process

After the Grants Management Center has screened and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications to ensure that they are technically adequate and responsive to the requirements of this announcement. HUD Headquarters will fund all applications from PHAs and nonprofit disability organizations that are recommended for funding by the Grants Management Center unless HUD receives approvable applications for more funds than are available. If HUD receives approvable applications for more funds than are available, HUD will select applicants to be funded by lottery. A separate lottery will be held first for those PHAs and nonprofit disability organizations seeking funding under the five-year budget authority available under this announcement, and a separate lottery will next be held for those PHAs seeking funding under the one-year budget authority that may be available under this announcement. (Nonprofit disability organizations are not eligible to apply for the one-year budget authority that may be available under this announcement.) All applicants identified by the Grants Management Center as having submitted technically adequate and responsive applications will be included in the lottery. As applicants are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any State to 10 percent of the budget authority available for the Mainstream Program. The 10 percent limit shall be applied first during the lottery for the five-year funding and shall continue over into the lottery for any one-year funding that may be available. This, for instance, may result in a State reaching the 10 percent limit prior to the start of the lottery for any one-year funding that may be available, and therefore any PHAs from that State would not be eligible for any further Mainstream funding. If establishing this geographic limit would result, however, in unreserved budget authority, HUD may modify this limit to assure that all available funds are used.

Applications will be funded for the total number of units requested by the applicant and recommended for approval by the Grants Management Center (not to exceed 75 units) in accordance with this announcement. When remaining budget authority is insufficient to fund the last selected application in full, HUD Headquarters will fund that application to the extent of the funding available, unless the applicant indicates that it will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All applicants must complete and submit Form HUD–52515, Funding Application, for the Housing Choice Voucher Program, (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code (for example, CT002), telephone number, facsimile number and electronic mail address in the same space at the top of the form where they are also to enter the PHA's name and mailing address. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in Appendix B to the **General Section** of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov.* (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'' In addition, the Form HUD–52515 will also be posted with the Mainstream funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.*

In the instance of a nonprofit disability organization that does not currently manage a housing choice voucher program, the nonprofit disability organization shall fill in Section B, Proposed Assisted Dwelling Units, of the form HUD–52515, by either basing the numbers the organization enters in this section on information requested from the nearest public housing agency, based upon its housing choice voucher waiting list, or based upon information from local advocacy groups and local public and private service agencies familiar with the needs of elderly and non-elderly persons with disabilities, census data, and pertinent information from the Consolidated Plan applicable to the applicant's jurisdiction. Section C, Average Monthly Adjusted Income, should be left blank. Section F, New HA Information, requires information on Financial and Administrative Capability and Qualification as a HA. For Financial and Administrative Capability, a nonprofit disability organization may reference that part of its application addressing the requirements of section VI (E) of this announcement. For Qualification as a HA, the nonprofit disability organization should submit information validating its qualifications as a nonprofit disability organization as defined in Section III (B)(2) of this announcement. The submission of enabling legislation is not required, but a legal opinion supportive of the applicant's status as a nonprofit disability organization, as delineated in Section III (B)(2) of this announcement, is required.

(B) *Letter of Intent and Narrative.* The applicant must state in its cover letter to the application whether it is a PHA applying for five-year and/or one-year funding, or a nonprofit disability organization applying for five-year funding. The applicant must also indicate the number of vouchers being requested, whether it will accept a reduction in the number of vouchers, and the minimum number of vouchers the applicant will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that an applicant may apply for under this announcement is limited to 75.

PHAs and nonprofit disability organizations that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement for such PHAs and nonprofit disability organizations (see section II (C) (3) of this funding announcement).

(C) *Description of Need for Mainstream Program Vouchers.* The PHA's and nonprofit disability organization's application must demonstrate a need for Mainstream Program vouchers by providing information documenting that the demand for housing for non-elderly and

elderly persons with disabilities in connection with a request for five-year funding under this announcement would equal or exceed the requested number of vouchers. If the PHA is requesting one-year funding, the demand for housing for non-elderly disabled persons must be demonstrated as equaling or exceeding the number of vouchers being requested. The applicant must assess and document the housing need for elderly and non-elderly persons with disabilities using a range of sources including, but not limited to: census data, information from the applicant's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and housing choice voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of elderly and non-elderly persons with disabilities, and pertinent information from the Consolidated Plan [including the Analysis of Impediments to Fair Housing Choice (AI)] applicable to the applicant's jurisdiction. {See 24 CFR 91.205(d).} The applicant's demonstrated need for vouchers must clearly support need on the basis of only non-elderly disabled families when requesting one-year funding. This distinction is important, as any FY 2002 Mainstream Program funding that may be available beyond the approximately $53.9 million under this announcement, must be used to assist only non-elderly disabled families and will be available only to PHAs. (See Section II (A) of this announcement regarding the possibility of substantially more Mainstream Program funding being available beyond the approximately $53.9 million.)

(D) *Mainstream Program Operating Plan.* The application must include a description of an adequate plan for operating a program to serve eligible disabled families, including:

(1) A description of how the applicant will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features; and

(2) A description of how the applicant will identify private or public funding sources to help participants cover the costs of modifications that need to be made to their units as reasonable accommodations to their disabilities.

(3) A description of how the applicant will use a nonprofit disability organization or PHA (if any) under a contract to administer the Mainstream Program vouchers, or to otherwise provide services.

(E) *Certification Applicable to Nonprofit Disability Organizations.* A nonprofit disability organization applying for funding available under this announcement must provide a certification stating that the applicant can meet the capacity requirements applicable to a nonprofit disability organization delineated in Section III (B)(2)(b) of this announcement. The certification must specifically list the four capacity requirements from that paragraph, and must specifically list the rental housing programs the nonprofit disability organization has administered or the rental housing the nonprofit disability organization has managed.

(F) *Statement Regarding the Steps the PHA and Nonprofit Organization Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's and nonprofit organization's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's and nonprofit organization's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) the maintenance of records reflecting this analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The applicant's statement must fully address the above areas. A general statement that the applicant will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(G) *Moving to Work (MTW) PHA Certification.* See Section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(H) *Form HUD–2993.* All PHAs must complete and submit form HUD–2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the General Section of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements, of this announcement. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all applications from PHAs and nonprofit disability organizations that the Grants Management Center determines are not acceptable for processing. The Grant Management Center's notification of rejection letter must state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications from PHAs or nonprofit disability organizations that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) If the applicant is a PHA and the PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(1)(c) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) If the PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December

31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with the Mainstream funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those potential applicants HUD listed on the HUD web site as having achieved either a 97 percent lease-up rate or 97 percent budget authority utilization rate for fiscal years ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent shall be rounded up to 97 percent.

Moving to Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirements.

(d) The PHA or nonprofit disability organization is involved in litigation and HUD determines that the litigation may seriously impede the ability of the applicant to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement. (This category of ineligibility does not apply to nonprofit disability organizations whose housing choice voucher program is based solely upon previously approved housing choice vouchers under the Mainstream Program.)

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs and nonprofit organizations are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2002 (Pub.L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act also authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the designation of a public housing development under section 7 of the United States Housing Act of 1937, as amended; the establishment of preferences in accordance with section 651 of the Housing and Community Development Act (HCDA) of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the HCDA Act. The FY 2002 Appropriations Act allows the Secretary to transfer any unobligated funds for these purposes, to the extent they are not needed, to assist other non-elderly disabled families. Therefore, any funds remaining unobligated under these program sections will be used to fund applications under the Mainstream Program in the SuperNOFA.

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APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000

Audit	$ 2,000
Total	$2,368,000
Program receipts other than Annual Contributions	($2,500)

Total contributions required **$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178

004	07/01/00-06/30/01	280	
Totals			924
Increment 003 litigation		(178)	
Adjusted contract units	**746**		

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:
ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**
ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____
Executive Director

_____
Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN DEVELOPMENTS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN TYPES OF SECTION 8 PROJECT-BASED DEVELOPMENTS AND SECTIONS 202, 221(d)(3) AND 236 DEVELOPMENTS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to access affordable housing.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,950 housing choice vouchers.

Eligible Applicants. Public housing agencies (PHAs). PHAs that fall into any of the categories in Section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

Application Deadline. July 2, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance.

Application Due Date. Submit the original and one copy of your completed application to HUD on or before July 2, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.* This application deadline date is firm. In the interest of fairness to all competing PHAs, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of an original and one copy. Submit your original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW., Suite 800, Washington, DC 20024.* The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed to the GMC in HUD Headquarters using the United States Postal Service (USPS). Applications may also be shipped to the GMC via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30 AM AND 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the USPS.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available to provide assistance to approximately 3,950 non-elderly disabled families (who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners

establishing a preference for the admission of elderly families, and for non-elderly disabled families not being housed in certain Section 202, Section 221(d)(3) and Section 236 developments or portions thereof where the owners have restricted occupancy to elderly families).

In the event approvable applications are received for more than the approximately $20 million announced as available under this announcement, funds will be transferred from the approximately $20 million available under the funding announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent funds remain unobligated after funding all approvable applications under that announcement.

Any funding remaining unobligated under this announcement providing assistance for non-elderly persons with disabilities related to certain developments will be used first to fund any approvable applications under the announcement for Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans, for which there may be insufficient funds. Any funds still remaining unobligated will be used to fund any approvable applications under the announcement for Mainstream Housing Opportunities for Persons with Disabilities for which there are insufficient funds.

(B) *Voucher Funding and Preliminary Fees.*

(1) *Voucher Funding.*

(a) *Maximum Voucher Request.* PHAs are limited to applying for no more than a maximum of 200 units (vouchers). A PHA may apply only for the number of units needed to house:

(i) Those non-elderly disabled families who are on the waiting list of an owner of a Section 8 project-based development identified in Section III (A)(1) of this announcement where the owner elected to provide preferences to elderly families, and to house other non-elderly disabled families residing in the community who would qualify for one- or zero-bedroom units; and/or

(ii) Those non-elderly disabled families who are on the waiting list of an assisted housing development identified in Section III(A)(2) of this announcement, or are otherwise residing in the community, but in either instance are not being housed in these assisted housing developments where the owners have restricted occupancy in the developments (or portion thereof) to elderly. Non-elderly disabled families in this second category would also need to qualify for one-or zero bedroom units.

Note: The PHA may apply for a two-bedroom unit under Section II (B) of this announcement in instances where a non-elderly disabled family requires the extra bedroom for purposes of a live-in aide, medical equipment, or other justifications based on a reasonable accommodations request.

(b) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that you will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(i) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(ii) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: If you do not currently administer a housing choice voucher program, your voucher funding will be based upon the annual per unit costs of a PHA in your most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(2) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice voucher program that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing. The specific types of developments covered under these two broad categories are as follows:

(1) Section 651 of the Housing and Community Development Act of 1992 {42 U.S.C. 13611 allowed owners of the *following covered Section 8 project-based developments* (limited to only such developments originally designed primarily for occupancy by elderly families){ to provide preferences to elderly families in selecting tenants for available assisted units in those projects:

(a) Section 8 New Construction Program, 24 CFR part 880;

(b) Section 8 Substantial Rehabilitation Program, 24 CFR part 881;

(c) State Housing Agencies Program (insofar as involving new construction and substantial rehabilitation), 24 CFR part 883;

(d) New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884; and

(e) Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (insofar as involving substantial rehabilitation), 24 CFR part 886, subpart C.

(2) Section 658 of the 1992 Act provides that an owner of a Federally assisted project (or portion thereof) that was designed for occupancy for elderly families may continue to restrict occupancy in such project (or portion) to elderly families in accordance with the rules, standards, and agreements governing occupancy in such housing in effect at the time of the development of the housing. The *three types of assisted housing developments covered by Section 658 are as follows:*

(a) Housing assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act (NAHA);

(b) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears an interest rate determined under section 221(d)(5); and

(c) Housing insured, assisted or held by the Secretary or a State or State Agency under section 236 of the National Housing Act.

(B) *Eligible Applicants.*

(1) PHAs are eligible applicants. PHAs falling into any of the categories in Section VII (B)(2) of this announcement are ineligible to have an application funded under this announcement. A PHA may submit only one application. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA

has been assigned more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under Section II (B)(1)(a) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997.

In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement with the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center. The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having unresolved major program management findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal, and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Eligible participants include non-elderly disabled families who were on the waiting list (at the time of the PHA's application) of a covered development identified in this announcement where the owner had exercised a preference for the admission of elderly families, or restricted occupancy to elderly families, at the time the PHA received the names of these families from the owner of the development(s) for purposes of requesting housing choice vouchers in response to this announcement. These non-elderly disabled families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive housing choice voucher assistance; i.e., it is sufficient that their names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Eligible participants also include other non-elderly disabled families residing in the community who would qualify for a one-or zero-bedroom unit. (See the note in this announcement at the end of Section II(B)(1)(a) for those limited instances in which a PHA could also apply for funding for a two-bedroom unit.) Non-elderly disabled families must be income eligible under 24 CFR 982.201(b)(1) in order to receive a housing choice voucher, as well as otherwise eligible for assistance under the regulations at 24 CFR part 982.201(b). Additional information on the eligibility requirements for a family or individual to receive a housing choice voucher are located at the following HUD Web site: *www.hud.gov/offices/pih/programs/hcv.*

IV. Program Requirements and Operations

In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher admission requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (*e.g.,* the family initially selected for the program drops out of the program or is unsuccessful in the search

for a unit), the voucher may be used only for another non-elderly disabled family eligible for assistance under this announcement for one year from the date the voucher funding is placed under an annual contributions contract (ACC).

If there is ever an insufficient pool of non-elderly disabled families on the PHA's housing choice voucher waiting list, the PHA shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons who would benefit from housing choice voucher assistance. If the PHA's housing choice voucher waiting list is closed, and if the PHA has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA should open the waiting list for applications from non-elderly disabled families. PHAs must take care to keep track of the number of non-elderly disabled vouchers they have been awarded versus the number of such vouchers that have actually been issued to non-elderly disabled families.

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in their meeting the requirements of paragraphs 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(2) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

(3) *Person with Disabilities.* Means a person who—

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions;

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(4) *Housing Choice Voucher Search Assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty and/or minority concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; e.g., civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and other community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees and agents of its organization of the PHA's code of conduct

V. Application Selection Process

After the Grants Management Center has screened all applications and

disapproved any found unacceptable for further processing, the Grants Management Center will review all remaining applications to ensure that they are technically adequate and responsive to the requirements identified in this program section of the SuperNOFA.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications that are recommended for funding by the Grants Management Center, based upon the date and time the application is received in the Grants Management Center. As applications are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available, funds will be transferred from the approximately $20 million available under the Rental Assistance for Non-elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent such funds have not been obligated under that program for approvable applications. Applications will be funded for the total number of units requested and recommended for approval by the Grants Management Center. When remaining budget authority is insufficient to fund the last selected application in full, the Grants Management Center will fund that application to the extent of the funding available, unless the application indicates that the PHA will only accept a higher number of units. In that event, HUD will fund the next selected application that has indicated a willingness to accept the lesser amount of funding for units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same space at the top of the form where they also enter the PHA's name and mailing address. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in the **General Section** of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov*. (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'') In addition, the Form HUD–52515 will also be posted with the Certain Developments funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm*.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

PHAs that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement to such PHAs (see section II (B)(1)(b) of this funding announcement).

(C) *Demonstration of Need: Certification/Waiting List Information and Other Non-Elderly Disabled Families Residing in the Community.* In order to support the number of vouchers being requested on the form HUD–52515, the PHA's application must include:

(1) A certification from the owner of a covered development (see the different types of covered developments listed in Section III(A)(1) and (2) of this announcement), stating the specific type of covered development, preferences are provided to elderly families in selecting tenants (Section 8 project-based developments) or occupancy in the development (or portion thereof) is restricted to elderly families (assisted housing developments), and the number of non-elderly disabled families on the owner's waiting list for the development. PHAs should contact the local HUD Field Office's Director, Multifamily Division, to get the names, addresses and telephone numbers of the developments falling under Section III (A)(1) and (2) in this announcement. The PHA will then need to contact the management/owners of these developments within their jurisdiction to verify that the development is a covered development. Owners of covered developments are encouraged to cooperate with PHAs and provide the required certification (if applicable) in a timely manner, along with the names, addresses and telephone numbers of those families on the development's waiting list that are non-elderly disabled families.

(2) PHAs must also submit information supportive of the number of other non-elderly disabled families residing in the community who would qualify for one-bedroom or zero-bedroom units (not on the waiting lists of covered developments). (See the note at the end of Section II (B)(1)(a) of this announcement which identifies those limited instances in which a PHA may apply for funding for a two-bedroom unit.) The application must demonstrate a need for vouchers by providing information documenting that the demand for housing for non-elderly disabled families would equal or exceed the requested number of vouchers (not to exceed 200). The PHA must assess and document the need using a range of sources including, but not limited to: census data, information from the PHA's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of non-elderly disabled families, and pertinent information from the Consolidated Plan (including the Analysis of Impediments to Fair Housing Choice) applicable to the PHA's jurisdiction. (See 24 CFR 91.205(d).)

(D) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan developed to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) the maintenance of records reflecting this analysis and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The PHA's statement must fully address the above areas. A general statement that the PHA will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(E) *Moving to Work (MTW) PHA Certification.* See Section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(F) *Form HUD–2993.* All PHAs must complete and submit form HUD—2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the General Section of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in Section VI, Application Submission Requirements, of this announcement. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications*

(1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the Grants Management Center will disapprove all applications that the Grants Management Center determines are not acceptable for processing. The Grants Management Center's notification of rejection letter will state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications that fall into any of the following categories will not be processed:

(a) Applications that do not meet the threshold fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) The PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III (B)(2) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with this funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD web site as having achieved either a 97 percent lease-up rate or 97 percent funding utilization rate for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent will be rounded up to 97 percent.

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirement.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2002 (Pub.L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act authorized

appropriations for housing choice vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2002 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

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APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000
Audit	$ 2,000
Total	$2,368,000

Program receipts other than Annual Contributions	($2,500)
Total contributions required	**$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178
004	07/01/00-06/30/01	280
Totals		924

Increment 003 litigation		(178)
Adjusted contract units	**746**	
Unit months leased reported by PHA		8,726
divided by 12		727
Units Leased		**727**
Lease-up Rate		
Units leased		**727**
divided by adjusted contract units		**746**
equals		
Lease-up Rate		**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:

ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**

ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the voucher funding being made available under the Housing Choice Voucher Program through this announcement is to enable non-elderly families with disabilities to access affordable private housing. The vouchers will assist public housing agencies (PHAs) in providing sufficient alternative resources to meet the housing needs of those non-elderly disabled families who would have been housed by the PHA if occupancy in a designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs who wish to continue to designate their buildings as ''mixed elderly and disabled buildings'' but can demonstrate a need for alternative resources for non-elderly disabled families.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,950 housing choice vouchers.

Eligible Applicants. Public housing agencies (PHAs). PHAs that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities, Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plans are not applicable to IHAs.

Application Deadline. The application in its entirety must be submitted to HUD's Grants Management Center by July 23, 2002. By not later than May 20, 2002, the designated housing plan portion of the application must be submitted to HUD's Special Application Center.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Dates, Application Kits, Further Information and Technical Assistance

Application Due Dates. Submit your original and one copy of your completed application (including the designated housing plan, as appropriate) to HUD on or before July 23, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted*. This application deadline date is firm. In the interest of fairness to all competing PHAs, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit the original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School; Street, SW, Suite 800, Washington, DC 20024*. The Grants Management Center (GMC) is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered.

Submit one copy of the designated housing plan portion of your application to the Office of Public Housing, Special Application Center (SAC), Room 2401, 77 West Jackson Boulevard, Chicago, IL 60604 (312–886–9754), so as to be received by the SAC by not later than May 20, 2002. See the paragraph titled ''Mailed Applications'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.

Note: The Special Application Center is allowed, by statute, 60 days in which to review a PHA's designated housing plan.

A PHA submitting an application for voucher funding under this announcement shall not be eligible for funding if it does not submit its entire application to the GMC, and the designated housing plan portion of its application (as applicable) to the SAC, by the deadline dates specified above.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed to the GMC in HUD Headquarters, or (for the designated housing plan portion of the application) to the SAC in Chicago, Illinois, using the United States Postal Service (USPS). Applications may also be shipped to the GMC via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. (Use of these delivery services or any other delivery services for the submission of the designated housing plan portion of the application to the SAC is not allowed.) No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered to be timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC (the entire application) and the SAC (designated housing plan portion of the application) within fifteen (15) days of the application due dates applicable to each of these separate submissions. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of mailing will be your documentary evidence that your application was timely filed.

Applications Sent to the GMC by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD

Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30AM and 5:30PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the USPS. (The submission by a PHA to the SAC of the designated housing plan portion of its application must be done solely by mail using the USPS.)

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1872, ext.4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov*.

II. Amount Allocated.

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available for housing choice vouchers for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, or elderly families and disabled families only. This funding is expected to provide assistance to approximately 3,950 non-elderly disabled families.

The FY 2002 HUD Appropriations Act allows the Secretary of HUD to transfer any unobligated funds for support of designated housing plans to assist non-elderly disabled families to the extent they are not needed to fund approvable applications related to designated housing plans during FY 2002. Accordingly, any funds remaining unobligated under this announcement will first be used to fund any approvable applications under HUD's announcement for Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, Section 221(d)(3) and Section 236 Developments, for which there are insufficient funds. Any funds still remaining unobligated under this announcement for funding in support of designated housing plans shall be used to fund any approvable applications under HUD's announcement for Mainstream Housing Opportunities For Persons With Disabilities, for which there are insufficient funds.

(B) *Voucher Funding.*

(1) *Maximum Voucher Request.* A PHA may apply for only the number of units needed to house those non-elderly disabled families that otherwise would have been housed if not for the designation of a project/building (or portion thereof) for occupancy by the elderly only. The size of the units applied for must bear a direct relationship to the size of the units designated. PHAs are limited to applying for no more than a maximum of 200 units (vouchers).

(2) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that a PHA will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: Applicants who do not currently administer a housing choice voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(3) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice voucher program and that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to assist non-elderly disabled families who would have been housed by a PHA if occupancy in the designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs that wish to continue to designate their projects/buildings (or portions thereof) as ''mixed elderly and disabled buildings'' and can demonstrate a need for alternative housing resources for non-elderly disabled families that is consistent with the jurisdiction's Consolidated Plan and the low-income housing needs of the jurisdiction.

(B) *Eligible Applicants.* PHAs are the eligible applicants. PHAs that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under section II (B)(1) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new Housing Choice Voucher Program annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C.

1437e) regarding designated housing plans are not applicable to IHAs.

In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement by the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center. The PHA may appeal the decision, in writing, if HUD has mistakenly classified the PHA as having unresolved major program management findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Only non-elderly disabled families that are income eligible under 24 CFR 982.201(b)(1) and who live in public housing that has been designated for occupancy by the elderly, or non-elderly disabled families who are on the PHA's public housing waiting list, may receive a voucher awarded in conjunction with an approved designated housing plan. Such families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive a housing choice voucher. These families may be admitted to the housing choice voucher program as a special admission (24 CFR 982.203). Additional information on the eligibility requirements for a family or individual to receive a housing choice voucher are located at the following HUD Web site: **www.hud.gov/offices /pih/programs/hcv.**

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program Regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher Admission Requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the non-elderly disabled family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another non-elderly disabled family eligible for assistance under this announcement for one year from the date the rental assistance is placed under an annual contributions contract (ACC). If there is ever an insufficient pool of non-elderly disabled families on the PHA's housing choice voucher waiting list, the PHA shall conduct outreach to encourage eligible non-elderly disabled families to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons who would benefit from housing choice voucher assistance. If the PHA's housing choice voucher waiting list is closed, and if the PHA has insufficient non-elderly disabled applicants on that waiting list to use all awarded vouchers under this announcement, the PHA should open the waiting list for applications from non-elderly disabled families. PHAs must take care to keep track of the number of non-elderly disabled vouchers they have been awarded versus the number of such vouchers actually issued to non-elderly disabled families.

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in meeting the requirements of sections 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Designated Housing Plan.* A HUD-approved designated housing plan is required of PHAs seeking to designate a project/building (or portion thereof) for occupancy by elderly families only, or elderly and disabled families only. See section 10(a) of the Housing Opportunity Extension Act of 1996 (Pub. L. 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2001–17 (HA). Section 10(a) amended section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e).

(2) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(3) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

(4) *Person with disabilities.* Means a person who—

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(5) *Housing choice voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; *e.g.,* civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority is to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and other community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees and agents of its organization of the PHA's code of conduct.

V. Application Selection Process

After the Grants Management Center has screened PHA applications and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications (exclusive of the Designated Housing Plan portion of the application—which is reviewed by the Special Application Center) to ensure that they are technically adequate and responsive to the requirements of this announcement of funding availability.

The Special Application Center will send to the Grants Management Center the following information on each designated housing plan, or updated needs data in connection with a previously approved designated housing plan, submitted in conjunction with this announcement:

(1) A copy of the letter to the PHA approving or disapproving its designated housing plan, or updated needs data.

(2) Special Application Center contact person and telephone number.

HUD Headquarters will fund on a first-come, first-serve basis all

approvable applications from PHAs that are recommended for funding by the Grants Management Center and that the Special Application Center advises has an approved designated housing plan or acceptable updated needs data, based upon the date and time the application is received in the Grants Management Center. As PHAs are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available under this announcement, funds will be transferred from the approximately $20 million available under the announcement for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments, or certain Section 202, Section 221(d)(3) or Section 236 developments, to the extent funds are not needed for approvable applications under that announcement. Applications will be funded for the total number of units requested by the PHA and approved by the Grants Management Center in accordance with this funding announcement for support of Designated Housing Plans. When remaining budget authority is insufficient to fund the last selected PHA application in full, however, HUD Headquarters will fund that application to the extent of the funding available, unless the PHA's application indicates that the PHA will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program, (dated January 1996). This form includes all the necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same place at the top of the form where they are also to enter the PHA's name and mailing address. The information entered in Section B of the form for bedroom size and number of requested units must bear a direct relationship to the bedroom size and number of units designated in the PHA's designated housing plan that will no longer be available for the future admission of non-elderly disabled families. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in the *General Section* of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov.* (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'' In addition, the Form HUD–52515 will also be posted with the Designated Housing funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.*

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers that the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

PHAs that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement to such PHAs (see section II (B)(2)(c) of this funding announcement).

(C) *Approvable Designated Housing Plan.* The application must include an approvable plan to designate housing in accordance with section 10(a) of the Housing Opportunities Extension Act of 1996 (Pub.L 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2001–17 (HA), dated May 16, 2001.

PHAs should also bear in mind that the HUD regulations require PHAs to submit an Annual Plan which must provide a statement regarding any public housing project (or portion thereof) which the PHA plans to designate as elderly only or mixed elderly and disabled {see 24 CFR 903.7 (1)(ii)}. Only those PHAs which are designated by HUD as high performing PHAs, or are small PHAs (less than 250 public housing units) that are not designated as troubled, are excluded from the requirement to address the designation of elderly and disabled public housing units in the Annual Plan. The Special Application Center will not process a designated housing plan if the PHA's intent to designate is not covered in its Annual Plan.

(D) *Designated Housing Plan Previously Approved.* Any PHA wishing to rely on a designated housing plan previously approved by HUD, that did not require housing choice vouchers or certificates for non-elderly disabled families or that now requires more vouchers than previously justified, will be required to submit the information called for in sections (A) and (B) immediately above, a copy of the previously HUD-approved designated housing plan, and updated needs data supporting the need now for vouchers not previously deemed necessary as an alternative housing resource. The updated needs data should indicate why the PHA does not have the appropriate resources to carry out the previously approved plan, identify the number of vouchers needed for non-elderly disabled families, and address the housing needs in its Consolidated Plan. While updated needs data is not considered an amendment or revision of a previously approved designated housing plan, the updated needs data must be submitted to the Special Application Center for review. The deadline date and submission requirements for updated needs data are the same as for the designated housing plan (see section I of this announcement).

Conversely, any PHA wishing to rely on a designated housing plan previously approved by HUD, contingent upon the PHA's future submission of an application for housing choice vouchers as an alternative housing resource for non-elderly disabled families, will need to only submit the HUD-approval letter for the designated housing plan in lieu of the plan itself (updated needs data also unnecessary).

(E) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and

(c) the maintenance of records reflecting these analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The PHA's statement must fully address the above areas. A general statement that the PHA will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(F) *Moving to Work (MTW) PHA Information and Certification.* See section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(G) *Form HUD–2993.* All PHAs must complete and submit form HUD–2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the **General Section** of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all PHA applications that the Grants Management Center determines are not acceptable for processing. The Grants Management Center's notification of rejection letter must state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications from PHAs that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of the **General Section** of the SuperNOFA.

(b) The PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III (B) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with this funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD website as having achieved either a 97 percent lease-up rate or 97 percent budget authority utilization rate for fiscal years ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent shall be rounded up to 97 percent.)

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirements.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and

Independent Agencies Appropriations Act, FY 2002 (Pub. L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the designation of a public housing development under section 7 of the United States Housing Act of 1937, as amended. The FY 2002 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act (HCDA) of 1992 or the restriction of occupancy to elderly families in accordance with section 658 of the HCDA of 1992. Thereafter, the FY 2002 Appropriations Act allows for any funds still remaining unobligated to be used to fund applications for vouchers for non-elderly disabled families under the Mainstream Program in the SuperNOFA.

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APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000

Audit	$ 2,000
Total	$2,368,000
Program receipts other than Annual Contributions	($2,500)

Total contributions required **$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178

004	07/01/00-06/30/01	280
Totals		924
Increment 003 litigation		(178)
Adjusted contract units	**746**	

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:

ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**

ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SERVICE COORDINATORS IN MULTIFAMILY HOUSING

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this Service Coordinator program is to allow multifamily housing owners to assist elderly individuals and people with disabilities living in HUD-assisted housing and in the surrounding area to obtain needed supportive services from the community, in order to enable them to continue living as independently as possible in their own homes.

Available Funds. Approximately $25 million.

Eligible Applicants. Only owners of eligible developments may apply for and become the recipient of grant funds. Property management companies may administer grant programs but are not eligible applicants. See Section III for more detailed eligibility criteria.

Application Deadline: July 3, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time, on July 3, 2002 at the address given below.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (*e.g.,* mailing applications by U.S. Postal Service). Only Service Coordinator applications mailed via the United States Postal Service will be accepted.

Addresses for Submitting Applications. Appendix A to this program section contains a list of HUD Field Offices where you must send your application by the deadline. Please address your application to the Director, Multifamily Housing Hub or Program Center in your local HUD Field Office. You should not submit any copies of your application to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Multifamily Housing Service Coordinator Program and provide your name, address (including zip code) and telephone number (including area code). An application kit also will be available on the Internet at *http://www.hud.gov.*

For Further Information and Technical Assistance. You may contact your local HUD Field Office staff for questions you have regarding this program section of the SuperNOFA and your application kit. Please contact the Multifamily Housing Resident Initiatives Specialist or Service Coordinator contact person in your local Office. If you are an owner of a Section 515 development, contact the Multifamily HUB or Multifamily Program Center in the HUD Field Office that normally provides asset management to that development. If you have a question that the Field staff are unable to answer, please call Carissa Janis, Housing Project Manager, Office of Housing Assistance and Grants Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6146, Washington, DC 20410; (202) 708–2866, extension 2487. (This number is not toll free). If you are hearing or speech impaired, you may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov.*

II. Amount Allocated

(A) *Available Funding.* This NOFA makes available approximately $25 million in Fiscal Year (FY) 2002 funding from the $50 million provided in the Housing for Special Populations account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73, approved November 26, 2001).

HUD will use the remaining $25 million appropriated this year to provide one-year extensions to expiring Service Coordinator and Congregate Housing Services Program (CHSP) grants.

HUD will first fund Service Coordinator costs in applications selected to receive an Assisted Living Conversion Program (ALCP) grant award. The Department estimates that approximately $2 million will be needed to fund these programs. The actual amount will be based upon demand and the number of applications that meet threshold criteria in both the ALCP and Service Coordinator programs. HUD will set-aside the requested amount of ALCP/Service Coordinator funds prior to conducting the national lottery. Any funds not used for ALCP Service Coordinator programs will revert to the lottery to fund all other eligible applications submitted under this NOFA.

In FY 2001, HUD awarded 218 grants for a total of $25,125,340. One of the 218 grants was awarded to an ALCP grant recipient, for $70,431.

(B) *Maximum Grant Award.* There is no maximum grant amount. The grant amount you request must be based on the number of frail or at-risk elderly or non-elderly people with disabilities who live in your development. Under normal circumstances, a full-time Service Coordinator should be able to serve about 50–60 frail or at-risk elderly or non-elderly people with disabilities. ''Frail elderly'' person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. An ''at-risk elderly'' person is an individual 62 years of age or older who is unable to perform one or two ADLs. Your proposed salary must also be supported by evidence of comparable salaries in your area.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of your proposed action plan are ineligible for funding;

(2) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(3) HUD determines that a reduced grant would prevent duplicative Federal funding.

(D) *Alternative Funding for Service Coordinators.* Owners may submit requests following instructions in Housing's Management Agent Handbook 4381.5, REVISION–2, CHANGE–2, Chapter 8. This Handbook provides procedures for requesting funding for a coordinator using residual receipts, the budget-based rent increase process, contract rents adjusted by the Annual Adjustment Factor (AAF) or the Project Rental Assistance Contract (PRAC). Refer to Housing Notice H–01–07 for information on using Section 236 excess income to fund a Service Coordinator. HUD Field staff will approve use of Section 8 funds or excess income consistent with current policy.

Field Office staff may approve use of project funds for a Service Coordinator at any time, as long as you have available project funds. You should discuss these alternative funding options with your Field Office staff prior to submitting a grant application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Service Coordinator Program provides funding for the employment and support of Service Coordinators in insured and assisted housing developments that were designed for the elderly and persons with disabilities and continue to operate as such. Service Coordinators help residents obtain supportive services from the community that are needed to enable independent living and aging in place.

A Service Coordinator is a social service staff person hired or contracted by the development's owner or management company. The Coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. All services should meet the specific desires and needs of the residents themselves. The Service Coordinator may not require any elderly individual or person with a disability to accept any specific supportive service(s).

You may want to review the Management Agent Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8 for further guidance on service coordinators. This Handbook is accessible through HUDCLIPS on HUD's Web site at *http://www.hudclips.org.* The Handbook is in the Handbooks and Notices—Housing Notices database. Enter the Handbook number in the ''Document Number'' field to retrieve the Handbook.

There is no minimum unit number for eligible developments. In proposing a Service Coordinator program at a small development, however, be careful to follow the guidance provided in Section II.B of this NOFA. You may also use grant funds to augment current Service Coordinator programs and to continue programs in cases where current or previous funding sources are no longer available. Please refer to Sections III.D and E, below.

The American Homeownership and Economic Opportunity Act of 2000 (Pub.L. 106–569, approved December 27, 2000) expanded the scope of the Service Coordinator program. This Act allows owners of eligible developments to provide service coordination to low-income elderly or disabled families living in the vicinity of the development. You have the option to serve such community residents as a part of your proposed program to provide coordination to current residents of an eligible development. The objective of this expanded authority is to help additional low-income elderly and disabled individuals age in place and live as independently as possible in their current homes. Any reference in this program NOFA or in the application kit to elderly or disabled residents of a development shall be construed to include low-income elderly or disabled families living in the vicinity of such a development.

(B) *Eligible Applicants and Developments.*

To be eligible for funding, you must meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(1) You must be an owner of a development assisted under one of the following programs:

(a) Section 202 and 202/8;

(b) Existing Section 8 project-based and moderate rehabilitation developments (includes any multifamily housing development with project-based Section 8; or

(c) Section 221(d)(3) below-market interest rate, and 236 developments that are insured or assisted.

(2) Additionally, developments listed in paragraph (1), above, are eligible only if they meet the following criteria:

(a) Have frail or at-risk elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(b) Were designed for the elderly or persons with disabilities and continue to operate as such. This includes any building within a mixed-use development that was designed for occupancy by elderly persons or persons with disabilities at its inception and continues to operate as such, or consistent with title VI, subtitle D of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992). If not so designed, a development in which the owner gives preferences in tenant selection (with HUD approval) to eligible elderly persons or persons with disabilities, for all units in that development.

(c) Are current in mortgage payments or are current under a workout agreement.

(d) Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better or by an approved plan for developments scoring less than 60.

(e) Are in compliance with their regulatory agreement, Housing Assistance Payment (HAP) Contract, and other outstanding directives.

(f) Owners using the AAF rent increase process or who are profit-motivated must provide certification that rental and other income from the development are insufficient to pay for a service coordinator.

(3) If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (e.g. due to prepayment of mortgage, sale of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD has the right to terminate your grant.

(4) If you are applying for an Assisted Living Conversion Program (ALCP) grant, you may apply for new or augmented Service Coordinator costs to serve Assisted Living residents and/or all residents of your development.

(C) *Ineligible Applicants and Developments.*

(1) Property management companies, area agencies on aging, and other like organizations are not eligible applicants for Service Coordinator funds. Such agents may prepare applications and sign application documents if they provide written authorization from the owner corporation as part of the application. In such cases, the owner corporation *must* be indicated on all forms and documents as the funding recipient.

(2) Developments not designed for the elderly or disabled or those no longer operating as such.

(3) Section 221(d)(4) developments without project-based Section 8 assistance.

(4) Section 202/811 developments with a PRAC. Owners of Section 202 PRAC developments may obtain funding by requesting an increase in their PRAC payment consistent with Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8.

The American Homeownership and Economic Opportunity Act of 2000 provides authority for Section 202 PRACs to receive Service Coordinator grants as described in this program NOFA and separate from their PRAC funding. However, PRAC funds are a readily accessible funding source for Service Coordinators in Section 202 PRAC developments. Including the Service Coordinator in the PRAC development's operating budget also provides a more stable and permanent source of funding. For these reasons, the

Department has chosen to limit funding available through this program NOFA to those eligible housing developments listed in section III.B(1) of this NOFA.

There is no statutory authority for service coordinators in Section 811 developments.

(D) *Eligible Activities.*

(1) Service Coordinator Program grant funds may be used to pay for the salary, fringe benefits, and related administrative costs of employing a service coordinator. Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, computer hardware and software, Internet service, training, quality assurance, travel, and utilities.

You may use grant funds to pay for Quality Assurance (QA) in an amount that does not exceed 10% of the Service Coordinator's salary. QA is limited monitoring oversight of the Service Coordinator by a qualified third party, to assure that the position is effectively implemented. A qualified individual must have supervisory work experience and education in social or health care services. On-site housing management staff cannot perform QA and current salaries of in-house staff may not be augmented for this purpose.

(2) You may use funds to augment a current Service Coordinator program, by increasing the hours of a currently employed Service Coordinator, or hiring an additional Service Coordinator or aide on a part- or full-time basis.

(3) You may use funds to continue a Service Coordinator program that has previously been funded through other sources. In your application, you must provide evidence that this funding source has already ended or will discontinue within six months following the application deadline date and that no other funding mechanism is available to continue the program. This applies only to funding sources other than the subsidy awards and grants provided by the Department through program Notices beginning in FY 1992. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

(4) You may propose reasonable costs associated with setting up a confidential office space for the Service Coordinator. Such expenses must be one-time only administrative start-up costs. Such costs may involve acquisition, leasing, rehabilitation, or conversion of space. HUD Field Office staff must approve both the proposed costs and activity and must perform an environmental assessment on such proposed work prior to grant award.

(5) You may provide service coordination to low-income elderly or disabled families living in the vicinity of an eligible development. Community residents should come to your housing development to meet with and receive service from the Service Coordinator.

(E) *Ineligible Activities.*

(1) You may not use funds available through this NOFA to replace currently available funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions.

(2) Owners with existing service coordinator subsidy awards or grants may not apply for renewal or extension of those programs under this NOFA.

(3) Congregate Housing Services Program (CHSP) grantees may not use these funds to meet statutory program match requirements and may not use these funds to replace current CHSP program funds to continue the employment of a service coordinator.

(4) The cost of application preparation is not eligible.

(5) Grant funds cannot be used to increase a project's management fee.

(6) You cannot hire an additional part of full-time Service Coordinator for the sole purpose of serving low-income elderly or disabled families who live in the vicinity of your development.

IV. Program Requirements

In addition to the requirements listed in Section II of the **General Section** of this SuperNOFA, you must also meet the requirements in Section IV of this program section of the SuperNOFA. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

(A) *Administrative Costs.* HUD has the right to reduce the proposed costs if they appear unreasonable or inappropriate.

(B) *Term of Funded Activities.* The grant term is three years. Grants will be renewable subject to the availability of funds.

(C) *Subgrants and Subcontracting.* You may directly hire a Service Coordinator or you may contract with a qualified third party to provide this service.

(D) As a condition of receiving a grant, Section 202 developments with project-based Section 8 must open a Residual Receipts account separate from the Reserve for Replacement account, if they do not already have such a separate account.

(E) *Forms, Certifications, and Assurances.* See the **General Section** of the SuperNOFA for the applicable forms, certifications, and assurances that you must submit. This includes a certification that you are in compliance with Federal Civil Rights laws, as specified in Section II(H) of the **General Section** of this SuperNOFA.

(F) *Affirmatively Furthering Fair Housing.* You must comply with Section II(D) of the **General Section** of this SuperNOFA.

(G) *Conducting Business In Accordance With Core Values and Ethical Standards.* Entities that are subject to 24 CFR parts 84 and 85 (most nonprofit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (See §§ 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct.

V. Application Selection Process

(A) *General.* Service Coordinator Program grant funds will not be awarded through a rating and ranking process. Instead, HUD will hold one national lottery for all approvable applications forwarded from Multifamily HUB and Multifamily Program Centers (a list of these offices is found in the Appendix to this notice).

(B) *Threshold Eligibility Review.* HUD Multifamily Field Office staff will review applications for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Field Office staff will forward application information to Headquarters for entry into the lottery if the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date.

''Reasonable costs'' are generally those that are consistent with salaries and administrative costs of similar

programs in the jurisdiction of the HUD Field Office.

(C) *Service Coordinators in ALCP projects.* The Department will first fund approved Service Coordinator requests in ALCP applications selected to receive an ALCP award. HUD estimates that approximately $2 million will be needed to fund these programs. Any funds not used for ALCP Service Coordinator programs will revert to the national lottery.

(D) *The Lottery.* HUD staff will use a computer program to randomly select applications. HUD will fully fund as many applications as possible with the given amount of funds. If funds remain after fully funding as many applications as possible, HUD will offer to partially fund the next application chosen in the lottery, in order to use the entire allocation of funds.

VI. Application Submission Requirements

(A) *Single Applications.* (1) You may submit one application for one or more developments that your corporation owns.

(2) You may submit more than one application to a single Field Office, if you wish to increase your chances of selection in the lottery. Each application must propose a stand-alone program and the development(s) must all be located in the same Field Office jurisdiction.

(3) If you wish to apply on behalf of developments located in different Field Office jurisdictions, you must submit a separate application to each Field Office.

(B) *Joint Applications.* You may join with one or more other eligible owners to share a Service Coordinator and submit a joint application. In the past, joint applications have been used by small developments who joined together to hire and share a part or full-time Service Coordinator.

(C) *There is no maximum grant amount.* The grant amount you request must be based on the number of frail or at-risk elderly or non-elderly people with disabilities who live in your development. (See Section II.B of this NOFA for more information.)

(D) *Application Submission Requirements for ALCP Applicants.* If you are an ALCP applicant and you request new or additional Service Coordinator costs specifically for your proposed Assisted Living Program, you must submit an application containing all required documents and information listed in this NOFA. In addition, you must submit a HUD–424–M ''Federal Assistance Funding Matrix and Certifications'' with your ALCP application, which indicates the amount of funds you are requesting to cover Service Coordinator costs. HUD Field Office staff will review both applications simultaneously.

ALCP applicants must submit all the required items in the Service Coordinator application listed in Section VI(E) of this NOFA. You may provide a copy of all standard forms in your Service Coordinator application. If you do not provide either an original or copy of these forms, your Service Coordinator application will be incomplete.

If you currently do not have a Service Coordinator working at the development proposed in your ALCP application and your ALCP application is selected to receive an ALCP award, HUD will fund a Service Coordinator to serve either ALCP residents only or all residents of the development dependent upon your request. If your development currently has a Service Coordinator, you may request additional hours for the Service Coordinator to serve the Assisted Living residents. If you request additional hours, you must specify the number of additional hours per week and provide an explanation based on the anticipated needs of the Assisted Living residents. Provide this explanation in your ALCP application as instructed in the ALCP NOFA.

If you request Service Coordinator funding to serve all residents of your development, your request can be entered into the national lottery if your ALCP application is not selected to receive an award. You will be able to indicate this request in the application materials.

Owners applying for ALCP grants may also submit separate Service Coordinator applications for entry into the lottery for other eligible developments they own and that are not included in their ALCP application.

(E) *Your application must contain the items listed in this Section VI(E).* These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Standard Forms

(1) Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);

(2) Federal Assistance Funding Matrix and Certifications (HUD–424M);

(3) Standard Form for Assurances—Non-Construction Programs (SF–424B);

(4) Drug Free Workplace Certification (HUD–50070);

(5) Certification of Payments to Influence Federal Transactions (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report Form (HUD–2880);

(7) Certification Regarding Debarment and Suspension (HUD–2992); and

(8) Acknowledgment of Application Receipt (HUD–2993).

Other Application Items

All applications for funding under the Service Coordinator Program must contain the following documents and information:

(1) Transmittal letter and request, using the designated format provided in both Appendix B to this NOFA and in the application kit.

(2) (If applicable) Lead agency letter format.

(3) Evidence of comparable salaries in local area.

(4) If quality assurance is included in the proposed budget, a justification and explanation of who will perform this work, what responsibilities are involved, and how often the work will be done.

(5) If you propose to serve low-income elderly or disabled families living in the vicinity of the development(s) included in your application, a narrative description of your plan.

(6) (If applicable) Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire within six months following the application deadline date.

(7) A bank statement showing the current residual receipts or excess income balance in the development's account.

(8) *Service Coordinator Certifications.* This includes certifications that you, the applicant, will comply with the following:

(a) The requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and that you will affirmatively further fair housing; and

(b) The nondiscrimination in employment requirements of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*), the Equal Pay Act (29 U.S.C. 206(d)), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*), Title IX of the Education Amendments Act of 1972, and Titles I and V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(9)(a) Certification from an Independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by HUD regulations at 24 CFR parts 84 and 85.

(b) Owners applying on behalf of developments using the AAF must also provide certification from the auditor that the development's rental or other income is insufficient to pay the costs of employing a Service Coordinator.

(10) Applicant checklist.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this program are categorically excluded from NEPA and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempted from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

IX. Authority

Section 808 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 674, 676, and 677 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), and section 851 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000).

Appendix A: HUD Field Office List for Mailing Service Coordinator

Applications

Alabama

Multifamily Housing Program Center, HUD—Birmingham Office, 600 Beacon Parkway West, Rm. 300, Birmingham, AL 35209–3144, OFC Phone: (205) 290–7611, FAX: (205) 290–7632

Alaska

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Arizona

Multifamily Housing Program Center, HUD Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC Phone: (602) 379–4434, FAX: (602) 379–3985

Arkansas

Multifamily Housing Program Center, HUD Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC Phone: (501) 324–5401, FAX: (501) 324–6142

California

Multifamily Housing Hub, HUD—San Francisco Office, 450 Golden Gate Avenue, PO Box 36003, San Francisco, CA 94102–3448, OFC Phone: (415) 436–6505, FAX: (415) 436–8996

Los Angeles Multifamily Hub, 611 West Sixth Street, Suite 800, Los Angeles, CA 90017, OFC Phone: (213) 894–8000 x 3634, Fax: (213) 894–8255

Colorado

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 11th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Connecticut

Multifamily Housing Program Center, HUD—Hartford Office, One Corporate Center, 19th floor, Hartford, CT 06103–3220, OFC Phone: (860) 240–4800 Ext. 3068, FAX: (860) 240–4850

Delaware

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

District of Columbia

Multifamily Housing Program Center, HUD Washington, DC Office, Suite 300, 820 First Street, NE., Washington, DC 20022–4205, OFC Phone: (202) 275–9200, FAX: (202) 275–9212

Florida

Multifamily Housing Hub, HUD—Jacksonville Office, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC Phone: (904) 232–1777 x2144, FAX: (904) 232–2731

Georgia

Multifamily Housing Hub, HUD—Atlanta Office, Five Points Plaza Building, 40 Marietta Street, SW., Atlanta, Georgia 30303–2806, OFC Phone: (404) 331–4976, FAX: (404) 331–4028

Hawaii

Multifamily Housing Program Center, HUD Honolulu Office, 7 Waterfront Plaza, 500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC Phone: (808) 522–8185 Ext. 244, FAX: (808) 522–8194

Idaho

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Illinois

Multifamily Housing Hub, HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC Phone: (312) 353–6236 Ext. 2202, FAX: (312) 886–2729

Indiana

Multifamily Housing Program Center, HUD Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC Phone: (317) 226–6303, FAX: (317) 226–7308

Iowa

Multifamily Housing Program Center, HUD Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC Phone: (515) 284–4736, FAX: (515) 284–4743

Kansas

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Kentucky

Multifamily Housing Program Center, HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC Phone: (502) 582–6124, FAX: (502) 582–6547

Louisiana

Multifamily Housing Program Center, HUD New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC Phone: (504) 589–7236, FAX: (504) 589–6834

Maine

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Maryland

Multifamily Housing Hub, HUD Baltimore Office, 5th Floor, 10 South Howard Street, Baltimore, MD 21201–2505, OFC Phone: (410) 962–2520 Ext. 3474, FAX: (410) 962–1849

Massachusetts

Multifamily Housing Hub, HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC Phone: (617) 565–5162, FAX: (617) 565–6557

Michigan

Multifamily Housing Hub, HUD Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC Phone: (313) 226–7900, FAX: (313) 226–5611

Multifamily Housing Program Center, HUD Grand Rapids, Trade Center Building, 50 Louis Street, NW., Grand Rapids, MI

49503–2648, OFC Phone: (616) 456–2100, FAX: (616) 456–2191

Minnesota

Multifamily Housing Hub, HUD Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, OFC Phone: (612) 370–3051 Ext. 0, FAX: (612) 370–3090

Mississippi

Multifamily Housing Program Center, HUD Jackson Office—McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC Phone: (601) 965–4738, FAX: (601) 965–4773

Missouri

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Multifamily Housing Program Center, HUD St. Louis Office, Robert A. Young Federal Building, 1222 Spruce Street—Third Floor, St. Louis, MO 63103–2836, OFC Phone: (314) 539–6382, FAX: (314) 539–6356

Montana

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Nebraska

Multifamily Housing Program Center, HUD Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC Phone: (402) 492–3113, FAX: (402) 492–3184

Nevada

Multifamily Housing Program Center, HUD Las Vegas Office, 333 N. Rancho Drive—Atrium Bldg. Suite 700, Las Vegas, NV 89106–3714, OFC Phone: (702) 388–6525, FAX: (702) 388–6244

New Hampshire

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

New Jersey

Multifamily Housing Program Center, HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC Phone: (973) 622–7900 Ext. 3400, FAX: (973) 645–2271

New Mexico

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

New York

Multifamily Housing Hub, HUD—New York Office, 26 Federal Plaza—Room 3214, New York, NY 10278–0068, OFC Phone: (212) 264–0777 Ext. 3713, FAX: (212) 264–1277

Multifamily Housing Hub, HUD—Buffalo Office, Lafayette Court, 5th Floor 465 Main Street, Buffalo, NY 14203–1780, OFC Phone: (716) 551–5755 Ext. 5509, FAX: (716) 551–3252

North Carolina

Multifamily Housing Hub, HUD Greensboro Office—Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407, OFC Phone: (336) 547–4034, FAX: (336) 547–4121

North Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Ohio

Multifamily Housing Hub, HUD Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC Phone: (614) 469–5737, Ext. 8111, FAX: (614) 469–2432

Multifamily Housing Program Center, HUD Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, OFC Phone: (513) 684–2350, FAX: (513) 684–6224

Multifamily Housing Program Center, HUD Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC Phone: (216) 522–4058 Ext. 7000, FAX: (216) 522–4067

Oklahoma

Multifamily Housing Program Center, HUD Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC Phone: (405) 553–7410, FAX: (405) 553–7406

Oregon

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Pennsylvania

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

Multifamily Housing Program Center, HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC Phone: (412) 644–6639, FAX: (412) 644–5872

Puerto Rico

Multifamily Housing Program Center, HUD Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC Phone: (787) 766–5401, FAX: (787) 766–5522

Rhode Island

Multifamily Housing Program Center, HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC Phone: (401) 528–5230, FAX: (401) 528–5097

South Carolina

Multifamily Housing Program Center, HUD Columbia Office, 1835 Assembly Street, Columbia, SC 29201–2480, OFC Phone: (803) 765–5162, FAX: (803) 253–3043

South Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Tennessee

Multifamily Housing Program Center, HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC Phone: (423) 545–4411, FAX: (423) 545–4578

Multifamily Housing Program Center, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC Phone: (615) 736–5748, FAX: (615) 736–2018

Texas

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

Multifamily Housing Program Center, HUD Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC Phone: (713) 313–2274 Ext. 7015, FAX: (713) 313–2319

Multifamily Housing Program Center, HUD San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC Phone: (210) 475–6831, FAX: (210) 472–6897

Utah

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Vermont

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Virginia

Multifamily Housing Hub, HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC Phone: (804) 278–4500 Ext. 3146, FAX: (804) 278–4613

Washington

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

West Virginia

Multifamily Housing Program Center, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC Phone: (304) 347–7000 Ext. 103, FAX: (304) 347–7050

Wisconsin

Multifamily Housing Program Center, HUD Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC Phone: (414) 297–3214 Ext. 8662, FAX: (414) 297–3204

Wyoming

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Appendix B

The non-standard forms required for the Service Coordinators in Multifamily Housing application follow:

1. Applicant Checklist (Non-ALCP Applicants)

2. Sample Request Letter Format
3. Service Coordinator Certifications
4. Transmittal Letter Format for Designated Lead Agency
5. ALCP Applicant Checklist and ALCP Applicants' Form

BILLING CODE 4210–32–P

APPLICANT CHECKLIST (Non-ALCP Applicants)

Use this checklist to review your package and insure that all materials are properly completed and included. Submit a copy of this form with your request to HUD.

_____ (1)	Request Letter
_____ (2)	Lead agency letter format (if appropriate)
_____ (3)	Evidence of comparable salaries in local area.
_____ (4)	If quality assurance is included in the proposed budget, a justification and explanation of how this work will be performed.
_____ (5)	*(If applicable)* A narrative description of your proposed plan to serve low-income elderly or disabled families living in the vicinity of the development(s).included in your application, of your plan.
_____ (6)	*(If applicable)* Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire on or before January 3, 2003.
_____ (7)	A bank statement with the development's current residual receipts or excess income balance.
_____ (8)	Service Coordinator Certifications
_____ (9)(a)	A certification from an independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by the pertinent OMB circular.
_____(9)(b)	In the case of developments using the AAF or that are profit-motivated, the certification states that the development does not have sufficient funds from rental/other income to fund the Service Coordinator.
_____ (10)	Standard Form for Application for Federal Assistance (SF-424)
_____ (11)	Federal Assistance Funding Matrix and Certifications (HUD-424M)
_____ (12)	Standard Form for Assurances - Non-Construction Programs (SF-424B)

Attachment 1

_____ (13) Drug Free Workplace Certification (HUD-50070)

_____ (14) Certification of Payments to Influence Federal Transactions (HUD-50071)

_____ (15) Disclosure Form Regarding Lobbying (SF-LLL)

_____ (16) Applicant/Recipient Disclosure/Update Report Form (HUD-2880)

_____ (17) Certification Regarding Debarment and Suspension (HUD-2992)

_____ (18) Acknowledgment of Application Receipt (HUD-2993)

Attachment 2

REQUEST LETTER FORMAT

Use the format shown below to request Service Coordinator grant funds. Write this letter on your organization's letterhead. If you submit a joint application with another owner, you both must submit a separate letter.

Dear _____ _____
Director, Multifamily Hub/Program Center Date

The following is my request for a three-year Service Coordinator grant. I am requesting a total grant amount of $_____.

Owner name and address: _____

_____

DEVELOPMENT INFORMATION (Include relevant information for each development in your application.)

1. Development name and address:

_____

_____

2. _____ _____ _____
Project Number Section 8 Number Development's Cong. District

3. Project Type - check one:

____ 202 or 202/8

____ Section 8 (including moderate rehabilitation and Rural Housing Service 515/8)

____ Section 221(d)(3) below-market interest rate

____ 236 insured or assisted

Attachment 2

4. Project uses which method (check one):

____ Budget-based rent increase ____ AAF increase

5. Total Number of Rental Units _____.

6. Total Number of Residents _____.

7. Estimated Number Frail elderly and non-elderly people with disabilities _____.

8. Estimated Number at-risk elderly _____

9. Are you planning to contract out for a Service Coordinator? ____ Yes ____ No

10. Development will share a Service Coordinator with other development(s)? ____ Yes ____ No

If yes, please give name and address of the development(s) and owner(s), if different.

_____

_____

EXPLANATION OF FIRST YEAR COSTS

A. First Year Program Costs

1. **Salary Rate**

a. Determine the first year's base salary level, looking at comparable positions (modified by number of hours worked).

Base salary level $_____

b. Fringe benefits
% of base salary _____ %

Dollar value $_____

c. First year salary rate $_____ + $_____ = $_____
base salary fringe benefits salary rate

Attachment 2

2. **Administrative Costs**

- First, determine start-up costs:

  Item _____ $_____

  Item _____ $_____

  Total: $_____

- Then estimate annual on-going administrative costs for your program:

  Item _____ $_____

  Item _____ $_____

  Item _____ $_____

- Identify total first year on-going administrative cost: $_____

- Sum start-up and on-going costs for year one: $_____

Is quality assurance included as an administrative cost? ___ Yes ___ No

If yes, provide justification and explanation of how it will be done.

Do you plan any activity related to setting up confidential office space for the Service Coordinator that would be considered part of start-up administrative costs? ___ Yes ___ No

If yes, provide a detailed explanation of your proposed plan.

Attachment 2

3. **Total cost**

First year's total costs:

Annual salary rate $_____ +

Allowable administrative costs $_____ =

Total cost $_____.

B. Costs for Year 2 and 3

Before determining second year costs, subtract any one-time start-up costs in year one from that year's total expected cost. Use this "adjusted" total year-one cost in the calculations below.

Use a five percent inflation factor to determine costs for years 2 and 3.

Year 1 total cost $_____ x 1.05 = total cost year 2 $_____

Year 2 total cost $_____ x 1.05 = total cost year 3 $_____

Sum costs for years 1 - 3 = $_____.
This is my total grant request.

The total grant request breaks down as follows:

	SALARY	FRINGE	ADMIN. COSTS	TOTAL
YEAR 1	$	$	$	$
YEAR 2	$	$	$	$
YEAR 3	$	$	$	$
TOTAL	$	$	$	$

USE OF RESIDUAL RECEIPTS OR EXCESS INCOME

When financially possible, developments should use available residual receipts or excess income before receiving grant funds. Owners can use residual receipts or excess income in conjunction

Attachment 2

with grant funds. Section 202 developments must maintain a minimum of $500 per unit in their residual receipts account. Indicate amounts of these funds to be used along with grant funds below:

	RESIDUAL RECEIPTS OR EXCESS INCOME	GRANT FUNDS	TOTAL
YEAR 1	$	$	$
YEAR 2	$	$	$
YEAR 3	$	$	$
TOTAL	$	$	$

C. Serving Community Residents

Do you propose to provide service coordination to low-income elderly or disabled families living in the vicinity of the development(s) included in this application? ___ Yes ____ No

If yes, please provide a narrative description of your plan to provide such services to community residents.

Description:

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____ _____

Signature Typed Name

Chairperson, Owner/borrower corporation

Attachment 3

SERVICE COORDINATOR CERTIFICATIONS

1. At least 25 percent (25%) of the residents of the development are frail or at-risk elderly and/or non-elderly people with disabilities at the time of your request to HUD.

2. There is sufficient separate office space available for the Service Coordinator (and aides, if appropriate), including space for confidential meetings and a separate location in which to secure files, without adversely affecting normal activities.

3. You (1) have not been charged with a violation of the Fair Housing Act by the Secretary; (2) are not a defendant in a Fair Housing Act lawsuit filed by the Department of Justice, and (3) have not received a letter of noncompliance findings under Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, or Section 109 of the Housing and Community Development Act.

   If you have resolved a charge, lawsuit, or letter of findings, as described above, you have done so to the satisfaction of the Department.

4. You do not have any outstanding Inspector General Audit findings.

5. Client files shall be kept in a secured location and accessible ONLY to the Service Coordinator, consistent with maintaining confidentiality of information related to any individual per the Privacy Act of 1974.

6. In the event that the Service Coordinator (directly hired or contracted) is not fully trained at the point of hiring, you agree to ensure that the Service Coordinator receives and completes appropriate training and ongoing continuing education requirements, consistent with Housing's *Management Agent* Handbook 4381.5, Revision-2, Change-2, Chapter 8.9.

7. If you are applying on behalf of a Section 202 development, the development has a residual receipts account separate from the reserve for replacement account or you agree to establish one as a condition of receiving this grant.

8. You will not use grant funds to replace currently available funding from other sources that is currently paying for a Service Coordinator or for some other staff person who performs Service Coordinator functions.

Attachment 3

SERVICE COORDINATOR CERTIFICATIONS (continued)

9. You agree to submit quarterly payment vouchers and semi-annual performance and financial status reports to your local HUD Field Office, presenting on-going information about your program's activities.

_____	_____	_____
Signature	Print Name	Date

Chairperson, Owner/borrower corporation.

Attachment 4

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one owner is proposing to share a Service Coordinator, one agency must designate itself the "lead". This agency must submit a letter following this format on organization letterhead.

Dear _____ _____
Director, Multifamily Hub/Program Center Date

The _____ for _____ is requesting grant
Owner Name Development Name and city)
funds to hire a Service Coordinator.

This request includes _____ developments, which will share a Service Coordinator.
Give #

The developments are:

Owner	Development Name and Address	$ Requested
	Total:	

The completed requests from each of these _____ applicants are attached to this letter.
Give #

Sincerely,

_____ _____
(Signature) (Typed Name)
Chairperson, owner/borrower corporation

Attachment 5

ALCP APPLICANT CHECKLIST

Use this checklist to review your materials to make sure they are properly completed and included. Submit a completed form with your request to HUD.

_____ (1)	Request Letter
_____ (2)	Lead agency letter format (if appropriate)
_____ (3)	Evidence of comparable salaries in local area.
_____ (4)	If quality assurance is included in the proposed budget, a justification and explanation of how this work will be performed.
_____ (5)	If you propose to serve low-income elderly or disabled families living in the vicinity of the development(s) included in your application, a narrative description of your plan.
_____ (6)	*(If applicable)* Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire on or before January 3, 2003.
_____ (7)	A bank statement with the development's current residual receipts or excess income balance.
_____ (8)	Service Coordinator Certifications
_____ (9)(a)	A certification from an independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by the pertinent OMB circular.
_____(9)(b)	In the case of developments using the AAF or that are profit-motivated, the certification states that the development does not have sufficient funds from rental/other income to fund the Service Coordinator.
_____ (10)	Standard Form for Assurances - Non-Construction Programs (SF-424B)
_____ (11)	ALCP applicants' form.

Attachment 5

Original or copies of the following forms:

_____ (12) Standard Form for Application for Federal Assistance (SF-424)

_____ (13) Federal Assistance Funding Matrix and Certifications (HUD-424M)

_____ (14) Drug Free Workplace Certification (HUD-50070)

_____ (15) Disclosure Form Regarding Lobbying (SF-LLL)

_____ (16) Applicant/Recipient Disclosure/Update Report Form (HUD-2880)

_____ (17) Certification Regarding Debarment and Suspension (HUD-2992)

_____ (18) Acknowledgment of Application Receipt (HUD-2993)

Attachment 5

ALCP APPLICANTS FORM

Complete this form ONLY if you are applying for both an ALCP grant and a Service Coordinator grant. Complete Part I or II, not both.

I. I currently do not have a Service Coordinator working at the site, _____, included in my ALCP application. (Development Name)

I expect _____
residents to participate in the ALCP and to receive assistance from the Service Coordinator.

I expect _____
non-ALCP development residents to also use the services of the Service Coordinator.

The Service Coordinator will work _____
hours per week.

My first year annual cost is estimated at $_____

and my 3-year grant request is for $_____

If my ALCP application IS NOT selected to receive a grant, please enter my Service Coordinator request in the Service Coordinator national lottery. Yes____ No____

(*Your request for the number of work hours and the total number of residents to be served, as indicated above, will be entered in the lottery.)

(Continued next page)

Attachment 5

ALCP APPLICANTS FORM

II. I currently have a Service Coordinator working at the site, _____, included in my ALCP application. (Development Name)

The Service Coordinator currently works _____

hours per week and serves _____
residents.

I would like to augment the Service Coordinator's time or hire another full or part-time Service Coordinator or aide to work with ALCP residents.

My request is to add _____
hours a week to the Service Coordinator's time.

I expect to serve _____
residents in my ALCP.

My first year annual cost is estimated at $_____.

and my 3-year grant request is for $_____.

Please remember to include in your ALCP application an explanation of why you are seeking incremental hours for your Service Coordinator Program. What additional responsibilities will the Service Coordinator have in working with ALCP residents. Why are additional hours needed to make your ALCP a success?

If my ALCP application IS NOT selected for an award, I understand that HUD will not fund the incremental hours requested.

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. **Type of Submission**	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
Application ☐ Construction ☐ Non-Construction **Pre-application** ☐ Construction ☐ Non-Construction	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. **Applicant Information**

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. **Employer Identification Number (EIN) (xx-yyyyyyy)** ☐ — ☐

7. **Type of Applicant** (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

8. **Type of Application:**
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. **Name of Federal Agency**

10. **Catalog of Federal Domestic Assistance Number (xx-yyy)** ☐ — ☐

Title:

11. **Descriptive Title of Applicant's Project**

12. **Areas Affected by Project** (cities, counties, States, etc.)

13. **Proposed Project**		14. **Congressional Districts of**	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. **Estimated Funding**

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. **Total**	$	.00

Complete form HUD-424-M, Funding Matrix

16. **Is Application Subject to Review by State Executive Order 12372 Process?**

a. **Yes** This pre-application/application was made available to the State Executive Order 12372 Process for review on:

Date (mm/dd/yyyy)_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. **Is the Applicant Delinquent on Any Federal Debt?**
☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

Previous Edition Usable
Authorized for Local Reproduction

form **SF-424** (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043, Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M, Funding Matrix**. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

Assurances—Non-ConstructionPrograms

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date
X	

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handboooks 7417.1, 7475.13, 7485.1, & 7485.3

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General**. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date
Signature of Authorized Certifying Official	Title

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

PROGRAM OVERVIEW

Purpose of Program. The Housing Choice Voucher FSS program (referred to in previous NOFAs as the Section 8 FSS program and as the Rental Certificate/Housing Choice Voucher FSS program) is intended to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. As a result of their participation in the FSS program, many families have achieved stable, well-paid employment, which has made it possible for them to become homeowners. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

Funding under this NOFA may not be used to pay the salary of an FSS coordinator for a public housing FSS program. Operating subsidy may be used to fund a public housing FSS program coordinator's salary.

Available Funds. This NOFA announces the availability of up to $46.4 million in Fiscal Year (FY) 2002 for Housing Choice Voucher FSS program coordinators. If additional funding becomes available during FY 2002, HUD may increase the amount available for Housing Choice Voucher FSS Program coordinators under this NOFA. Salaries of FSS program coordinators funded under this NOFA must not exceed salaries for comparable positions in the PHA's local area and are subject to a cap of $62,000 per full time coordinator position funded. Under this NOFA, if PHAs apply jointly, the $62,000 maximum amount that may be requested per position applies to each full-time coordinator position in the application as a whole, not to each PHA separately. Evidence of salary comparability to similar positions in the local jurisdiction for each position must be kept on file in the PHA office.

Eligible Applicants: Public housing agencies (PHAs) eligible to receive funding under this NOFA are those that received funding for one or more FSS program coordinators under the FY 2001 FSS Program Coordinator NOFA and apply under this NOFA and those PHAs with HUD approval to administer a Housing Choice Voucher FSS program of at least 25 slots, or, if they are PHAs with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots, they apply jointly with one or more other PHAs so that between or among them they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. PHAs that were funded under the FY 2001 FSS NOFA that offer homeownership opportunities to FSS program participants may also apply for funding for an additional coordinator position to support homeownership activities for its FSS program participants.

Application Deadline. May 21, 2002.

Match. None

ADDITIONAL INFORMATION

If you are interested in applying for Housing Choice Voucher FSS Program Coordinator funding under this NOFA, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before May 21, 2002.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission.

Address for Submitting Applications. Your completed application consists of one original and two copies. Submit your original application and one copy with an Acknowledgment of Application Receipt, form HUD–2993, to: Michael E. Diggs, Director, PIH Grants Management Center, Department of Housing and Urban Development, 501 School Street, Suite 800, Washington, DC 20024.

Submit the second copy of your application to your local HUD Field Office Public Housing Hub or Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA. This copy is provided to the local HUD Field Office for informational purposes. Late receipt of the application by the field office will not disqualify the application.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the PIH Grants Management Center on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. There is no application kit for this NOFA. This announcement contains all the information necessary for the submission of your application for Housing Choice Voucher FSS program coordinator funding.

For Further Information and Technical Assistance. For answers to your questions, you may contact the Public and Indian Housing Resource Center at 1–800–955–2232 or the Hub Director of Public Housing or the Program Center Coordinator in the local HUD Field Office or you may contact the Grants Management Center at (202) 358–0221, extension 7675. Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number). Information can be accessed via the Internet at *http://www.hud.gov/grants.*

Prior to the application deadline, staff at the numbers given above will be available to provide general guidance,

but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

Satellite Broadcast. HUD plans to hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

For FY 2002, up to $46.4 million is available under the HUD 2002 Appropriations Act for PHA administrative fees for Housing Choice Voucher FSS program coordinators. This amount is from HUD's Congressional justifications that were submitted in support of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73, approved November 26, 2001). If additional funds become available in FY 2002, through retention, recapture, or reallocation, HUD may seek to reprogram all or some of these funds to fund additional applications submitted in response to the NOFA. This is the ninth fiscal year of funding for Housing Choice Voucher FSS program coordinators.

HUD Corrections to Funding Provided Under the FY 2001 NOFA

HUD has determined that the funding reserved under the FY 2001 Rental Certificate/Housing Choice Voucher NOFA for eleven PHAs was lower than the PHAs should have received under that NOFA and HUD believes that underfunding should be corrected. Therefore, prior to funding any applications under the FY 2002 NOFA, HUD is making funding, in the amount of $627,046 in FY 2002 funding, available to correct those errors as follows: Pico Rivera Housing Assistance Agency, CA—$60,000; New Britain Housing Authority, CT—$168,000; Cedar Rapids Housing Services, IA—$87,180; City of Louisville, KY—$70,824; East Baton Rouge Housing Authority, LA—$33,537; Salem Housing Authority, MA—$26,537; Metropolitan Council, MN—$56,738; Norfolk Housing Authority, NE—$34,800; Rochester Housing Authority, NY—$48,041; Economic Improvement Council, Inc., NC—$28,389; Municipality of Yabucoa, PR—$13,000.

III. Program Description; Eligible Applicants; Number of Positions for Which Eligible Applicants May Apply; Eligible Activities

(A) *Program Description.* Through annual NOFAs, HUD has provided funding to PHAs that are operating Housing Choice Voucher FSS programs to enable those PHAs to hire Housing Choice Voucher FSS program coordinators.

In the FY 2002 FSS NOFA, HUD is making funding available to renew positions funded under the FY 2001 FSS NOFA to allow PHAs to continue to pay the salaries of Housing Choice Voucher FSS program coordinators funded under the FY 2001 NOFA for another year.

Under this NOFA, for the first time, HUD also invites PHAs that qualify for renewal of positions awarded under the FY 2001 NOFA to apply for an additional coordinator position to support homeownership activities for its FSS program participants. To qualify for this additional position, eligible renewal PHAs must have implemented or participate in homeownership programs, including homeownership voucher programs, that are available to families participating in the FSS program.

Because of the importance of the FSS program in helping families increase earned income and develop assets, HUD will also accept applications from PHAs that were not funded under the FY 2001 NOFA. In addition, under this NOFA eligible new and renewal state and regional PHAs that have HUD approval of their FSS action plans to operate separate FSS programs of at least 25 slots in different parts of their jurisdictions may also apply for up to one new position for any part of the PHA jurisdiction where the state or regional PHA did not receive funding under the FY 2001 NOFA.

Applicants should be aware that in this NOFA, the HUD-approved FSS slots means the total number of mandatory and voluntary housing choice voucher FSS program slots identified in the PHA's HUD-approved FSS action plan. It does not mean the number of families currently enrolled in the FSS program or the number of families the PHA has served including those that have graduated. The FSS action plan can be updated by means of a simple one page addendum which reflects the total number of FSS slots (voluntary and/or mandatory slots) the PHA plans to serve. This addendum must be submitted to the PHA's local HUD office as it is approved by that office.

Both the voluntary Housing Choice Voucher FSS slots and the mandatory Housing Choice Voucher FSS slots, identified in the PHA's HUD-approved FSS Action Plan, are counted in determining the PHA's Housing Choice Voucher FSS program size. Prior to submitting an application, PHAs may wish to confirm the number of HUD-approved slots their local HUD field office has on record for the PHA to assure that it is accurate.

To qualify for consideration for funding with those FSS program coordinator applications submitted by the due date under this NOFA, amendments to change the number of FSS slots in the PHA's FSS Action Plan must be approved by the local HUD field office prior to the application due date. PHAs whose FSS action plans are approved after the due date of applications under this NOFA would be considered for funding only if funding remains after funding of all eligible applications received by the due date.

There are no maximum or minimum Housing Choice Voucher program size requirements for PHAs applying for funding under this NOFA.

(B) *Eligible Applicants.* Public housing agencies (PHAs) eligible to receive funding under this NOFA are: (1) Those PHAs that received funding under the FY 2001 NOFA for Rental Certificate/Housing Choice Voucher FSS Program Coordinators. (To qualify for renewal of positions funded under the FY 2001 FSS NOFA, the number of FSS slots in the PHA's HUD-approved FSS Action Plan must remain at a level that will support the number of positions that were funded in FY 2001 and the PHA must continue to operate an FSS program, have hired an FSS program coordinator or coordinators with funding awarded for that purpose under the FY 2001 FSS NOFA, and executed FSS contracts of participation with program participants.) (2) PHAs that were not funded under the FY 2001 FSS NOFA that are authorized through their HUD-approved FSS Action Plan to administer a Housing Choice Voucher FSS program of at least 25 slots; or, if they are PHAs with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots, they apply jointly with one or more other PHAs so that between or among them they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. Joint applicants must specify a lead co-applicant which will receive and administer the FSS program coordinator funding.

PHAs that qualify to apply as renewal PHAs under category (1) above, that have implemented or participate in

homeownership programs, including Housing Choice Voucher homeownership programs as well as other programs such as state or local homeownership programs, that are available to families participating in FSS programs, may apply for an additional coordinator position to support homeownership activities for families participating in the FSS program.

PHAs that are administering Family Self-Sufficiency programs under the Moving to Work (MTW) demonstration may qualify for funding under this NOFA if the PHA administers a Family Self-Sufficiency program that serves Housing Choice Voucher program families. When determining the size of a MTW PHA's HUD-approved FSS program, the PHA may request that the number of FSS slots reflected in the PHA's MTW agreement be used instead of the number in the PHA's FSS Action Plan.

(C) *Number of Positions for which Eligible PHAs may apply:* Eligible PHAs may apply for coordinator positions under this NOFA as follows:

(1) *PHAs funded under the FY 2001 FSS NOFA:* PHAs that received funding under the FY 2001 FSS NOFA that qualify as eligible PHAs under the definition of eligible applicants in Section III.B. of this NOFA, may apply for:

(a) Renewal of the FSS coordinator positions funded under the FY 2001 FSS NOFA that have been filled by the PHA,

(b) If the PHA administers or participates in a homeownership program which gives a selection preference for FSS families or limits eligibility to FSS families, and the PHA currently has FSS families ready to, or already participating in, a homeownership program, the PHA may apply for up to one additional full time FSS coordinator position to support FSS program homeownership activities and;

(c) If the PHA is a state or regional PHA with HUD approval to administer an FSS program in more than one part of its jurisdiction and has filled all positions funded under the FY 2001 FSS NOFA, the PHA may apply for an additional position for any area of its jurisdiction where it has HUD approval to operate a Housing Choice Voucher FSS program of at least 25 slots if the PHA was not funded for a position for that area under the FY 2001 FSS NOFA.

(2) *PHAs not funded under the FY 2001 FSS NOFA:* PHAs that were not funded under the FY 2001 FSS NOFA, including PHAs applying jointly and state and regional PHAs, that qualify as eligible new applicants under the definition of eligible applicants in Section III.B. of this NOFA may apply for positions as follows:

(a) PHAs with HUD approval to administer an FSS program of 25 or more slots may apply for up to one full time FSS coordinator position and;

(b) Eligible state or regional PHAs with HUD approval to operate FSS program in different parts of their jurisdiction may apply for up to one FSS coordinator in any area where they have HUD approval to administer a Housing Choice Voucher FSS program of at least 25 slots.

(D) *Eligible Activities.* Funds are available to PHAs under this NOFA to employ or otherwise retain the services of Housing Choice Voucher FSS program coordinators for one year. A part-time Housing Choice Voucher FSS program coordinator may be retained where appropriate. In the Housing Choice Voucher FSS program, PHAs are required to use rental assistance under the Housing Choice Voucher program together with public and private resources to provide supportive services to enable participating families to achieve economic independence and self-sufficiency. Effective delivery of supportive services is a critical element in a successful FSS program. PHAs are encouraged to outreach to disabled Housing Choice Voucher program participants who might be interested in participating in the FSS program and to include on their FSS Program Coordinating Committees agencies that work with and provide services for disabled families. The FSS program supports the Department's objective of helping poor and disadvantaged families and individuals increase wages, develop assets and move to homeownership. The program provides critical tools that can be used by communities to support welfare reform and help families develop new skills that will lead to economic self-sufficiency.

IV. Program Requirements

(A) *Program Coordinator Role.* PHAs administering the FSS program use program coordinating committees (PCCs) to assist them to secure resources and implement the FSS program. The PCC is made up of representatives of businesses, local government, job training and employment agencies, local welfare agencies, educational institutions, childcare providers, and nonprofit service providers, including faith-based and other community organizations.

An FSS program coordinator works with the PCC and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FSS program coordinator may ensure, through case management, that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. FSS coordinators may also perform job development functions for the FSS program.

(B) *Staffing Guidelines.* Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS participants, depending on the coordinator's case management functions.

(C) *Conducting Business in Accordance With HUD Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects their core values in accordance with the requirements stated in Section II.B.(2) of the **General Section** of this the SuperNOFA.

(D) *Other Requirements.* PHAs must meet the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA.

V. Application Selection Process

The funds available under this NOFA are not being awarded on a competitive basis. Applications will be reviewed by the Grants Management Center (GMC) to determine whether or not they are technically adequate based on the NOFA requirements. Field offices will provide to the GMC in a timely manner, as requested, information needed by the GMC to make its determination, such as the HUD-approved Housing Choice Voucher FSS program size and information on the PHA's administrative capabilities. Categories of applications that will not be funded are stated in Section VII.(B) of this NOFA.

All technically adequate applications will be funded to the extent funds are available. If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will fund eligible applicants as follows: Applications will be divided into the following categories of funding priority:

Priority 1—Applications from PHAs, including state and regional PHAs, for continuation of the position or positions funded under the FY 2001 FSS NOFA where a coordinator has been hired by the PHA.

Priority 2—Applications from eligible renewal PHAs, funded under priority 1 of this NOFA, for an additional

coordinator position to support FSS homeownership activities.

Priority 3—Priority 3 will consist of: (a) Applications for up to one initial FSS coordinator position from PHAs that were not funded under the FY 2001 FSS NOFA including, for state and regional PHAs with HUD approval to operate FSS programs in different parts of their jurisdictions, up to one FSS coordinator position per area where they are authorized to operate a Housing Choice Voucher FSS program of at least 25 FSS slots.

(b) Applications from Priority 1 (renewal) state and regional PHAs for up to one full time FSS program coordinator position in any area of their jurisdiction where they are authorized to operate a Housing Choice Voucher FSS program of at least 25 FSS slots, but did not receive funding for a full time FSS program coordinator position under the FY 2001 FSS NOFA.

HUD will first fund all eligible Priority 1 applications to continue funding for Housing Choice Voucher FSS program coordinators funded under the FY 2001 FSS NOFA where the PHA has hired an FSS program coordinator. If the amount available is not sufficient to fund all eligible applications, HUD will determine if all applications can be funded if salary increases are limited to three percent of the FY 2001 awards. If monies are still not sufficient to fund all eligible applicants, HUD will begin funding eligible applications by Housing Choice Voucher program size starting with the smallest Housing Choice Voucher programs first. Housing Choice Voucher program size will be determined by HUD using baseline data developed by the Department.

If funding remains after funding all priority 1 applications, HUD will then provide funding to eligible Priority 2 applicants for up to one additional Housing Choice Voucher FSS program coordinator position per eligible PHA to support the homeownership activities of Housing Choice Voucher FSS program participants. If there are not sufficient monies to fund an additional FSS coordinator for each Priority 2 PHA, HUD will begin funding up to one full-time coordinator for each eligible Priority 2 applicant starting with PHAs with the highest percentage of FSS families currently ready for homeownership. The percentage will be computed using the HUD-approved Housing Choice Voucher FSS program size in the PHA's HUD-approved FSS action plan.

If funding remains after funding all Priority 1 and 2 applications, HUD will then provide funding to eligible Priority 3 applicants for up to one Housing Choice Voucher FSS program coordinator position per PHA, or in the case of state and regional PHAs, up to one full time coordinator for each area where they are authorized to operate a Housing Choice Voucher program of at least 25 slots and did not receive funding for the position under the FY 2001 FSS NOFA. If there is insufficient funding for all Priority 3 applicants, funding will be awarded to applicants in Housing Choice Voucher program size order starting from the PHAs with the smallest Housing Choice Voucher programs first. Housing Choice Voucher program size will be determined by HUD using baseline data developed by the Department. If there are not sufficient monies to fund all applications from Priority 3 PHAs with the same Housing Choice Voucher program size, funding will be provided based on the size of the PHA's Housing Choice Voucher FSS program, reflected in the PHA's HUD-approved Housing Choice Voucher FSS Action Plan, starting with the largest approved Housing Choice Voucher FSS program first.

If funding remains after all eligible applications submitted in response to this NOFA are funded and received by the due date, the Grants Management Center will use any funding still available through the end of FY 2002 to fund applications submitted after the due date of this NOFA that meet all other requirements of this NOFA. These applications will be funded on a first-come, first-serve basis through September 30, 2002, as long as funds are available.

VI. Application Submission Requirements

(A) *Application Requirement for PHAs that Received FY 2001 FSS Program Coordinator Funding.* Each PHA that received funding for a Rental Certificate/Housing Choice Voucher FSS program coordinator or coordinators under the FY 2001 FSS NOFA that wishes to receive funding under this NOFA must complete a certification in the format shown as ''Attachment A'' of this NOFA, and must include all information required in ''Attachment A.'' The completed Attachment A certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of this NOFA) constitute the entire PHA application for funding under this section unless the PHA is also applying for an additional position to support FSS homeownership activities. PHAs applying for an additional position to support FSS homeownership activities must also submit Attachment E. The certifications must be submitted to the GMC by the due date to be eligible for the initial round of funding under this NOFA.

(B) *Request for FSS Program Coordinator Funds by Eligible PHAs that were NOT Funded in FY 2001.* PHAs that did not receive funding under the FY 2001 FSS Program Coordinator NOFA must complete a certification in the format shown as ''Attachment B'' of this FSS NOFA and must include all information required in Attachment B. The completed Attachment B certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of the NOFA) constitute the entire PHA application for funding under this section. The certifications must be submitted to the GMC by the due date to be considered for funding for the initial round of funding under this NOFA.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register** notice, and for no less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefing must be made in writing and submitted to Michael E. Diggs, Director, PIH Grants Management Center, Department of Housing and Urban Development, 501 School Street, Suite 800, Washington, DC 20024. Materials provided will include the final assessment indicating the basis upon which assistance was provided or denied.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Examples of correctable technical deficiencies include, but are not limited to, failure to submit the proper attachment C, D or E certifications, submission of an attachment A or B with missing information or submission of an attachment or certification that lacks an original signature by an authorized official.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period (as provided in the **General Section**), the GMC will disapprove PHA applications that it determines are not acceptable for processing under the initial round of funding.

(2) Applications from PHAs that fall into any of the following categories are

ineligible for funding under this NOFA and will not be processed:

(a) An application from a PHA that is not an eligible PHA under Section III.B. of this NOFA or an application that does not comply with the requirements of Section VI. of this NOFA.

(b) An application from a PHA that does not meet the requirements of fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA.

(c) An application from a PHA that at the end of the 14-calendar day technical correction period has not made progress satisfactory to HUD in resolving serious outstanding Inspector General audit findings, or serious outstanding HUD management review or independent public accountant (IPA) audit findings for one or more of the following programs: Housing Choice Voucher or Moderate Rehabilitation. Serious program management findings are those that would cast doubt on the capacity of the PHA to administer its Housing Choice Voucher program in accordance with applicable HUD regulatory and statutory requirements.

(d) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(e) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(3) Otherwise eligible applications that are not received by the due date of this NOFA will not be funded unless funds remain available after all eligible applications received by the due date have been funded. If at that time all the funding under this NOFA has not been awarded, then otherwise eligible applications received after the due date will be funded on a first come, first served basis through the end of FY 2002, as long as funding remains available. If more than one such application is received at the same date and time, the application from the PHA with the smallest Housing Choice Voucher program will be funded first.

VIII. Environmental Requirements

No environmental review is required in connection with the award of assistance under this NOFA, because the NOFA only provides funds for employing a coordinator that provides public and supportive services, which are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(4) and (12).

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2002 (Pub. L. 107–73, approved November 26, 2001) allows funding for program coordinators under the Housing Choice Voucher FSS program. As a result, the Department determined to make a sufficient amount available under this NOFA, under Part 984, in accordance with section 984.302(b), to enable PHAs to employ one or more Housing Choice Voucher FSS program coordinators for one year at a reasonable cost as determined by the PHA and HUD, based on salaries for similar positions in the locality.

BILLING CODE 4210–32–P

ATTACHMENT A

REQUIRED CERTIFICATION FORMAT FOR FY 2002 HOUSING CHOICE VOUCHER FSS PROGRAM COORDINATOR FUNDING FOR PHAs THAT RECEIVED FUNDING UNDER THE FY 2001 RENTAL CERTIFICATE/ HOUSING CHOICE VOUCHER FSS PROGRAM COORDINATOR NOFA

Mr. Michael E. Diggs, Director
Grants Management Center
501 School Street, Suite 800
Washington, DC 20024

Dear Mr. Diggs:

In connection with the FY 2002 NOFA for Housing Choice Voucher FSS program coordinators, I hereby certify for the _____(enter PHA name. For joint applications, please indicate the names of all co-applicants and identify the lead PHA that received and administered funds received under the FY 2001 NOFA.) that:

(1) The PHA received funding under the FY 2001 FSS program coordinator NOFA for ___(enter number of positions that were funded) FSS program coordinators.

(2) The PHA's HUD-approved FSS Action Plan continues to reflect a number of FSS slots that support the level of funding received in FY 2001.

(3) The PHA continues to operate an FSS program and has hired _____(enter number of positions filled) FSS program coordinators using HUD funds provided for that purpose under the FY 2001 FSS program coordinator NOFA, and,

(4) The PHA has executed FSS contracts of participation with FSS program participants.

(5) The PHA has/has not (indicate appropriate choice) filled all FSS program coordinator positions funded under the FY 2001 FSS NOFA (If all positions have not been filled, the PHA must state here the number of FSS coordinator positions not yet filled and the salary provided under the FY 2001 NOFA for each position);

(6) Funding requested for renewal positions:

(a) Total number of renewal positions:_____. (Enter the total number of positions for which the PHA is requesting funding to continue a position or positions funded under the FY 2001 FSS NOFA. The PHA may receive renewal funding only for those positions where they have hired an FSS coordinator to fill the position.);

(b) Total salary:_____ (State the total salary amount, including fringe benefits, for each renewal position or if appropriate, the number of positions at each salary level. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $62,000 per position.)

(7) The PHA is/is not (indicate appropriate choice) applying for an additional FSS program coordinator in support of FSS homeownership activities. (PHAs applying for an FSS coordinator to support homeownership activities must state total salary requested for the position – base salary plus fringe benefits, and complete Attachment E of this NOFA and submit it with their FSS application.)

(8) The PHA is/is not (indicate appropriate choice) a state or regional PHA operating separate Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

(9) New positions for State or regional agencies. A State or regional PHA applying for coordinator positions for programs operated in different parts of its jurisdiction where they did not receive funding for a coordinator under the FY 2001 NOFA must identify for each new coordinator position requested: the geographic area where the PHA is authorized to operate a separate FSS program, the number of HUD-approved FSS slots for that area and the total salary, including fringe benefits, requested for the coordinator position for that area.

(10) Total Positions Requested Under This NOFA:____ (Enter the total number of Housing Choice Voucher program coordinator positions requested under the FY 2002 Housing Choice Voucher FSS NOFA. Total should include renewal positions, and, if applicable, the new

position to support homeownership activities, if requested, and, for state and regional PHAs, any new positions requested for areas where a coordinator was not funded under the FY 2001 NOFA)

(11) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the above positions is on file at the PHA.

If there are any questions, please contact _____ at _____

Sincerely,

Executive Director

ATTACHMENT B

Required Format for Certification from PHAs that Did Not Receive Rental Certificate/Housing Choice Voucher FSS Program Coordinator Funding under the FY 2001 NOFA

Mr. Michael E. Diggs,
Director, Grants Management Center
501 School Street, Suite 800
Washington, DC 20024

Dear Mr. Diggs:

In connection with the FY 2002 NOFA for FSS program coordinators, this is a request for funds to pay the salary of _____ (Enter number of positions.) Housing Choice Voucher FSS program coordinators for one year. (NOTE: Under this NOFA, only state and regional PHAs with HUD approval to operate separate FSS programs of at least 25 slots in different parts of the PHA's jurisdiction may apply for more than one full-time FSS program coordinator.) I hereby certify for the _____ (Enter PHA name. For joint applications, indicate the names of all co-applicants and identify the lead PHA that will receive and administer the funding requested under this NOFA.) that:

1. Our HUD-Approved FSS Program Size is: _____. (Enter the total number of HUD-approved voluntary and mandatory Housing Choice Voucher FSS program slots identified in the PHAs HUD-Approved FSS Action Plan OR when PHAs are applying jointly, the combined total of Rental Certificate/Housing Choice Voucher FSS program slots in the HUD-approved Action plans of the PHAs.)

2. The PHA is/is not (indicate appropriate choice) a State or regional PHA operating separate Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

3. Positions and Salary Requested: Total Housing Choice Voucher FSS Program

Coordinator salary, INCLUDING, if applicable, amount for fringe benefits: _____.

If funding is being requested by a state or regional PHA for positions in more than one location in its jurisdiction, the PHA must provide information in the format below for each location where positions are requested.

Location: _____ , # of approved FSS slots:____, Salary, including fringe benefits: _____.

4. Evidence demonstrating salary comparability to similar position in the local jurisdiction is on file in the PHA office.

If there are any questions, please contact _____at _____.

Sincerely,

Executive Director

ATTACHMENT C

FAIR HOUSING AND EQUAL OPPORTUNITY CERTIFICATIONS

The housing agency (PHA) certifies that in administering the funding for the Rental Certificate/Housing Choice Voucher Family Self-Sufficiency program coordinators it will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing. CDBG recipients also must certify to compliance with section 109 of the Housing and Community Development Act.

Name of PHA

_____

Signature and Title of PHA Representative Date

_____ _____

ATTACHMENT D

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite

for making or entering into this transaction imposed by section 1342, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature of PHA Representative	Name of PHA
Name of Signatory (Print or Type)	Date signed

ATTACHMENT E

HOMEOWNERSHIP PROGRAM CERTIFICATION

The _____(Enter housing agency (PHA) name or names) certifies that:

1) The PHA administers (or participates) in the following homeownership program or programs:

2) The homeownership program or programs above gives a selection preference for families participating in the PHA's FSS program or limits eligibility for the homeownership program to FSS program participants.

3) The PHA currently has _____ (enter number) FSS families participating in or ready to participate in the homeownership program identified above.

Name of PHA/PHAs:

Name of Signatory PHA Representative (Type or Print):

Signature of PHA representative:

Date Signed;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To help eligible doctoral students cultivate their research skills through the preparation of research manuscripts that focus on housing and urban development issues.

Available Funds. Approximately $150,000 in FY 2002 funds.

Eligible Applicants: Only pre-dissertation Ph.D. students whose studies include urban economics as a major or concentration within another field related to housing and urban development.

Application Deadline. June 20, 2002.

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002. You should read the **General Section** of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. All applications must be submitted via the United States Postal Service to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 6P, 2277 Research Blvd., Rockville, MD 20850. You should read the **General Section** of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is for the Early Doctoral Student Research Grant Program.

HUD will accept only one application per doctoral student.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Armand Carrier of HUD's Office of University Partnerships at 202–708–3061 ext 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carrier via e-mail at Armand_W._Carriere@hud.gov.

II. Amount Allocated

Approximately $150,000 in FY 2002 funds is being made available under this SuperNOFA for Early Doctoral Student Research Grant Program (EDSRG).

The maximum grant period is 12 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a doctoral student is $15,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

Program Description; Eligible Applicants; Eligible Activities

(A) Program Description. The purpose of the EDSRG is to enable doctoral students to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues. The program will also provide a forum for new scholars to share their research findings through presentation of this research to a scholarly conference and/or publication in a refereed journal. The FY 2002 EDSRG Program seeks to fund research studies that will inform Federal problem solving and policymaking relating to HUD's policy priorities for this year. Examples of topics addressing these priorities include but are not limited to:

- *Homeownership*

1. Homeownership
   (a) Relative importance of factors in tenure decisions
   (b) Estimation of private and social benefits and costs of homeownership
   (c) Role in employment, household savings, and investment decisions
   (d) Effects of demographics, macro-economic environment and government policies on homeownership
   (e) Effects of homeownership on low- and moderate-income
2. Housing finance
   (a) Institutional barriers to efficiency in the housing finance system
   (b) Enabling the housing finance system to better serve low-income and minority borrowers
3. Home Equity Conversion Mortgages

- *Housing Market Conditions*

1. Housing markets
   (a) Factors affecting rents, home values, tenure, vacancy rates
   (b) Market absorption of new units
   (c) Construction activity
1. Housing Stock
   (a) Durability of stock
   (b) Energy efficiency
   (c) Factors determining rehabilitation and remodeling
   (d) Comparisons with stock in other developed countries
3. Availability of Affordable Housing
   (a) Policy and program options in tight or ''soft'' markets
   (b) Preservation of existing stock

- *Equal Opportunity and Access to Housing*

1. Effectiveness of different models (including local initiatives) for promoting Fair Housing Objectives
2. Discrimination in housing and lending
   (a) Methods to detect discrimination
   (b) Systemic patterns and practices

- *Homelessness*

1. Strategies to combat homelessness
   (a) Addressing chronic homelessness
   (b) Preventing homelessness
   (c) Helping families move from transitional to permanent housing
   (d) Issues and responses to youth homelessness
   (e) Causes of homelessness

- *Community and Economic Development*

1. Create or expand business
   (a) Meet the needs of underserved inner city, older suburb, or rural areas
   (b) Expansion of access to capital
   (c) Joint ventures with faith-based or other community-based grassroots organizations
2. Development of inner cities
   (a) Studies of reinvestment pressures
   (b) Theories of capital/land/market failure that help to explain depopulation or disinvestment
   (c) Government policies or market interventions that would alleviate these patterns
3. Regionalism and growth management
   (a) The economic interdependence of cities and suburbs
   (b) Rehabilitation and infill development
   (c) Regional problem solving and coalition building
   (d) Reinvestment in the urban core
   (e) Impact of community economic development policies, programs, and initiatives

- *Faith-Based and Other Community-Based Partnerships*

1. Community development and community building
   (a) Role of faith-based groups in low-income housing and community development efforts
   (b) Faith-based and higher education community building efforts
2. Evaluation of college/community partnerships and institutionalizing

these partnerships at colleges and universities

- *Assisted Housing Programs*

1. Affordability of rental housing
   (a) Innovative partnerships or finance tools
   (b) Cost-benefit analyses of alternative methods of providing housing assistance
   (c) Effectiveness of voucher programs
   (d) Evaluations of existing programs
2. Housing needs of the elderly and persons with disabilities
   (a) Availability
   (b) Design and Quality, including Accessibility
   (c) Affordability
   (d) Linked Services
3. Strategies for helping families in public and assisted housing make progress toward self-sufficiency and become homeowners.

- *Colonias*

1. How current housing policies determine the kinds of housing available
2. The perception of ''community'' in colonias
3. Evaluation of existing housing programs in colonias

(B) *Eligible Applicants.* You must meet the following requirements:

(1) You must be a currently enrolled and full-time student in an accredited doctoral program at an accredited institution of higher education;

(2) You must have urban economics as your major field or as a concentration within a major in another field related to housing and urban development;

(3) You must not have taken your preliminary/comprehensive examinations;

(4) You must have completed at least two semesters or three terms of your doctoral studies program (depending on the course structure of the institution); and

(5) You must have been assigned a faculty advisor to supervise your research manuscript.

You must provide documentation from the chair of your department that you meet all of these conditions and that in his/her opinion it is realistic to believe that the research manuscript can be completed within the one-year grant period. In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a research manuscript. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Three thousand dollars of the grant will be held back until you have completed your research manuscript and either it has been accepted for presentation at a conference or for publication in a refereed journal by September 30, 2003, or a committee of three faculty members (including your faculty sponsor, as the principal investigator of the grant) has determined and certified to HUD that the manuscript is of high quality and worthy of submission to conferences or journals.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements*:

(1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to you, the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise your work under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, halfway through your grant, on the progress you have made towards completion of the research manuscript and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible doctoral student, as defined in Section III(B) above and have provided a letter from your department chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the grant maximum of $15,000; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Capacity To Do the Research (20 Points)

In reviewing this factor, HUD will determine the extent to which:

(1) Your skills and experience are relevant to your proposed research manuscript (*e.g.*, course work, teaching, research projects, presentations);

(2) You have undertaken appropriate preparation (*e.g.*, preliminary design of the survey collection instruments, pre-clearance on interviews) to undertake the dissertation; and

(3) Your proposed research will help to further your research skills (*i.e*, it is relevant to the kinds of projects you will continue to work on as you earn your Ph.D.).

Rating Factor 2: Need for the Research (35 Points)

In reviewing this factor, HUD will determine the extent to which your research manuscript will produce policy-relevant information that is directly related to one of the research priorities listed above (*i.e.*, the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD Web site at *http://www.hud.gov/about/budget/fy02/cjs/fy2002app.pdf* for a discussion of these goals. The less directly related to one of these topics your research is, the fewer points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 3: Soundness of Approach (35 Points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already

completed or existing publications in the field related to your research questions.

In reviewing this factor, HUD will also determine the extent to which your research design and methodology and plan for completion of your research manuscript can feasibly be completed within the one-year grant period. Applications that propose extremely complex and time-consuming data collection efforts (*e.g.*, major longitudinal studies or a very large number of sites visits within the grant period) will be determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the grant period (*e.g.*, Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get zero points for this factor.

Rating Factor 4: Issuance of Your Research Manuscript (10 Points)

One purpose of the EDSRG Program is to fund research studies that will inform Federal problem solving and policymaking relating to HUD's policy priorities for this year. HUD, therefore, will evaluate the likelihood that the manuscript will be ready to present at a conference or be ready for publication in a refereed journal by September 30, 2003. HUD will also evaluate your plans to disseminate your research though other means, *e.g.*, seminars, your university's publications, or relevant internet listserves.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest-ranking applicant, and proceed with negotiations with that applicant.

(D) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carrier of HUD's Office of University Partnerships, Robert C. Weaver Building, 451 7th St. SW., Room 8106, Washington DC 20410. You may also write to Mr. Carrier via e-mail at *Armand_W._Carrie@hud.gov.*

Information provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application, referred to as the ''non-standard forms,'' can be found as Appendix A to this program section of the SuperNOFA. The Catalog of Federal Domestic Assistance number for this program is 14.517 and is listed in the program chart in the **General Section** of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter*, from you, containing the following information:

(1) Title of your research project;

(2) Your name, university and home addresses, university and home telephone numbers, facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your faculty advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your department chair that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 5 double-spaced typed pages. This narrative must include the following items in the following order:

(1) Statement of the problem;

(2) Your capacity to do the research. (Include your resume, showing educational background, research experience, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.)

(3) Need for the research;

(4) Approach (research design and methodology);

(5) Your plan for disseminating your research.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of

1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow, are required for your Early Doctoral Student Research Grant application.

BILLING CODE 4210–32–P

Appendix A

SAMPLE STATEMENT FROM ADVISOR

March 10, 2002

To Whom It May Concern:

Jane Jones is a doctoral student at Northern State University. As of the date of this letter her major field of study is (e.g., planning, public policy, urban studies) with a concentration in urban economics. She has completed three terms of her doctoral coursework and has not yet taken her comprehensive examinations. An advisor has been assigned to her for the work she would do under this grant. It is realistic to expect that the proposed research manuscript will be completed within the one-year grant period and either accepted for presentation at a scholarly conference and/or publication in a refereed journal by September 30, 2003, or certified by a faculty committee that it is worthy of being submitted for presentation or publication.

Sincerely,

Dr. Peter Paul
Professor and Chair
Department of City Planning

Appendix B

SAMPLE DESCRIPTION OF UNIVERSITY SUPPORT

March 9, 2002

To Whom It May Concern:

John Grey is a doctoral student in the Planning Department at Eastern University, working on a research manuscript titled "The Economics of Smart Growth." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Mr. Grey without charge to the grant for which he is applying.

Prof. Bradley Street
Department of Geography
Dissertation Committee Chair

Appendix C

BUDGET INSTRUCTIONS

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all applications, and some applications may have expense categories not shown. The sample is representative, not binding.

John Jones
621 Elm Street
Academia, USA 12345
March 10, 2002

"The Economics of Smart Growth"

Services:

Applicant (J. Jones):			
_____days @ $_____/day	=	$	x,xxx
Other Professionals:			
A. Smith, _____days @ $_____/day	=	$	xx,xxx
B. Brown, _____days @ $_____/day		=	$ xxx
Clerical:			
C. Johnson,_____days @ $_____/day	=	$	xxx
Subtotal, Service		=	$xx,xxx
Other:			
Travel: _____trips @ $_____/trip		=	$ x,xxx
Computer Usage	=	$	xxx
Reproduction Costs		=	$ xxx
Phone, Mailing, Misc. Materials		=	$ xxx
Subtotal, Other	=	$	x,xxx
Total Estimated Cost			$xx,xxx

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist Ph.D. candidates complete their research and dissertations on housing and urban development issues.

Available Funds. Approximately $400,000 in FY 2002 funds.

Eligible Applicants: Only Ph.D. candidates who have completed all of their doctoral program requirements except the preparation of the dissertation.

Application Deadline. June 20, 2002.

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002. You should read the general section of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. All applications must be submitted via the United States Postal Service to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 6P, 2277 Research Blvd., Rockville, MD 20850. You should read the General Section of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is the Doctoral Dissertation Research Grant Program.

HUD will accept only one application per Ph.D. candidate.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via e-mail at *Armand_W._Carrier@hud.gov.*

II. Amount Allocated

Approximately $400,000 in FY 2002 funds is being made available under this SuperNOFA for the Doctoral Dissertation Research Grant Program (DDRG).

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a Ph.D. candidate is $25,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of DDRG is to enable Ph.D. candidates enrolled at accredited institutions of higher education to complete their research and dissertations on HUD-related housing and urban development issues. The FY 2002 DDRG program seeks to fund dissertations that will inform Federal problem-solving and policy making relating to policy-relevant issues. Examples of such topics include but are not limited to:

- *Homeownership*

1. Homeownership
   (a) Relative importance of factors in tenure decisions
   (b) Estimation of private and social benefits and costs of homeownership
   (c) Role in employment, household savings, and investment decisions
   (d) Effects of demographics, macro-economic environment and government policies on homeownership
   (e) Effects of homeownership on low- and moderate-income households
2. Housing finance
   (a) Institutional barriers to efficiency in the housing finance system
   (b) Enabling the housing finance system to better serve low-income and minority borrowers
3. Home Equity Conversion Mortgages

- *Housing Market Conditions*

1. Housing Markets
   (a) Factors affecting rents, home values, tenure, vacancy rates
   (b) Market absorption of new units
   (c) Construction activity
2. Housing Stock
   (a) Durability of stock
   (b) Energy efficiency
   (c) Factors determining rehabilitation and remodeling
   (a) Comparisons with stock in other developed countries
3. Availability of Affordable Housing
   (a) Policy and program options in tight or ''soft'' markets
   (b) Preservation of existing stock

- *Equal Opportunity and Access to Housing*

1. Effectiveness of different models (including local initiatives) for promoting Fair Housing Objectives
2. Discrimination in housing and lending
   (a) Methods to detect discrimination
   (b) Systemic patterns and practices

- *Homelessness*

1. Strategies to combat homelessness
   (a) Addressing chronic homelessness
   (b) Preventing homelessness
   (c) Helping families move from transitional to permanent housing
   (d) Causes of homelessness
   (e) Issues and responses to youth homelessness

- *Community and Economic Development*

1. Create or expand business
   (a) Meet the needs of underserved inner city, older suburb, or rural areas
   (b) Expansion of access to capital
   (c) Joint ventures with faith-based or other community-based grassroots organizations
2. Development of inner cities
   (a) Studies of reinvestment pressures
   (b) Theories of capital/land/market failure that help to explain depopulation or disinvestment
   (c) Government policies or market interventions that would alleviate these patterns
3. Regionalism and growth management
   (a) The economic interdependence of cities and suburbs
   (b) Rehabilitation and infill development
   (c) Regional problem solving and coalition building
   (d) Reinvestment in the urban core
   (e) Impact of community economic development policies, programs, and initiatives

- *Faith-Based and Other Community-Based Partnerships*

1. Community development and community building
   (a) Role of faith-based groups in low-income housing and community development efforts
   (b) Faith-based and higher education community building efforts
2. Evaluation of college/community partnerships and institutionalizing these partnerships at colleges and universities

- *Assisted Housing Programs*

1. Affordability of rental housing
   (a) Innovative partnerships or finance tools
   (b) Cost-benefit analyses of alternative

methods for providing housing assistance
(c) Effectiveness of voucher programs
(d) Evaluations of existing programs
2. Housing needs of the elderly and persons with disabilities
(a) Availability
(b) Design and Quality, including Accessibility
(c) Affordability
(d) Linked Services
3. Strategies for helping families in public and assisted housing make progress toward self-sufficiency and become homeowners.

- *Colonias*

1. How current housing policies determine the kinds of housing available
2. The perception of ''community'' in colonias
3. Evaluation of existing housing programs in colonias

(B) *Eligible Applicants.* You must be a currently enrolled and matriculated student who has been accepted into candidacy in an accredited doctoral program at an accredited institution of higher education and have a fully developed and approved dissertation proposal. You must provide documentation from your dissertation committee chair that:

(1) By the application due date, your dissertation proposal has been accepted by your full dissertation committee and you have been assigned a dissertation advisor;

(2) By September 1, 2002, you will have satisfactorily completed all other written and oral Ph.D. requirements, including all your examinations and defense of your proposal, except the dissertation; and

(3) It is realistic to believe that the dissertation can be completed within the two-year grant period.

In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the **General Section** of the SuperNOFA.

Note: Institutions which have had previously awarded Doctoral Dissertation Research Grants terminated for non-performance and have outstanding funds owed to HUD resulting from this determination will be excluded from competition for the Doctoral Dissertation Research Grant program until the outstanding funds are repaid.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a dissertation. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Six thousand dollars of the grant will be held back until you have completed your dissertation, had it approved by your committee, and submitted it to HUD.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements.* (1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to you, the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise your work under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, at the end of the first year of your grant, on the progress you have made towards completion of the dissertation and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible Ph.D. candidate, as defined in Section III(B) above and have provided a letter from your dissertation committee chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the $25,000 grant maximum; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Capacity To Do the Research (20 points)

In reviewing this factor, HUD will determine the extent to which your skills and experience are relevant to your proposed dissertation (e.g., course work, teaching, research projects, presentations). HUD will determine the extent to which you have undertaken appropriate preparation (e.g., selecting sites for data collection, identifying potential interviewees and categories of interviewees, pre-clearance on interviews) to undertake the dissertation. HUD will also determine the extent to which your previous research experience (e.g., graduate-level research projects, presentations at conferences, publications, etc.) is relevant to and supportive of your proposed dissertation.

Rating Factor 2: Need for Your Research (35 Points)

In reviewing this factor, HUD will determine the extent to which your dissertation will produce policy-relevant information that is directly related to one of the research priorities listed above (i.e., the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD Web site at *http://www.hud.gov/about/budget/fy02/cjs/fy2002app.pdf* for a discussion of these goals). The less directly related to one of these topics your dissertation is, the fewer points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 3: Soundness of Approach (35 Points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already completed or existing publications in the field related to your research questions.

HUD will also determine the extent to which your research design and methodology and plan for completion of

the dissertation can be completed within the two-year grant period. Applications that propose extremely complex and time-consuming data collection efforts (e.g., major longitudinal studies or a very large number of sites visits within the two year grant period) will be determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the two-year grant period (e.g., Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get zero points.

Rating Factor 4: Dissemination of Your Dissertation (10 Points)

An important purpose of the DDRG Program is to fund research that will inform Federal problem-solving and policy making relating to housing and urban development. In reviewing this factor, HUD will evaluate the likelihood that your research will be ready and suitable for publication or presentation at policy conference by the end of the grant period. HUD will also evaluate your plans to disseminate your research though other means, e.g., seminars, your university's publications, or relevant internet list services.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest-ranking applicant, and proceed with negotiations with that applicant.

(D) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere of HUD's Office of University Partnerships Robert C. Weaver Building, 451 7th St. SW., Room 8106, Washington DC 20410. You may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov.*

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application, referred to as the ''non-standard forms,'' can be found as Appendix A to this program section of the SuperNOFA. The Catalog of Federal Domestic Assistance number for this program is 14.516 and is listed in the program chart in the **General Section** of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter,* from you, containing the following information:

(1) Title of your dissertation;

(2) Your name, university and home addresses, university and home telephone and facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your dissertation advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your dissertation advisor or chair of the dissertation committee that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 10 double-spaced typed pages. Do not submit your dissertation proposal itself. This narrative must include the following in the following order:

(1) Statement of the problem;

(2) Your capacity to do the research. (Include your resume, showing educational background, research experience, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.)

(3) Need for the research;

(4) Approach (research design and methodology);

(5) Your plan for disseminating your research.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow, are required for your Doctoral Dissertation Research Grant application.

BILLING CODE 4210–32–P

Appendix A

SAMPLE STATEMENT FROM ADVISOR

March 10, 2002

To Whom It May Concern:

John Jones, a Ph.D. candidate in urban studies at Northern State University, will have defended his dissertation proposal as of the date of this letter. The dissertation committee has formally approved of his dissertation proposal. A dissertation advisor has been assigned to him. In addition, he will have completed all written and oral Ph.D. examination requirements by September 1, 2002. It is realistic to believe that Mr. Jones' dissertation can be completed within a two-year period.

Sincerely,

Dr. Peter Paul
Professor of Urban Studies and Chairman
of John Jones' Dissertation Committee

Appendix B

SAMPLE DESCRIPTION OF UNIVERSITY SUPPORT

March 9, 2002

To Whom It May Concern:

Sarah Grey is a Ph.D. student in the Geography Department of Eastern University, working on a dissertation titled "Redevelopment Practices in Elm City." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Ms. Grey without charge to the grant for which she is applying.

Sincerely,

Prof. Bradley Street
Department of Geography
Dissertation Committee Chair

Appendix C

BUDGET INSTRUCTIONS

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all applications, and some applications may have expense categories not shown. The sample is representative, not binding.

John Jones
621 Elm Street
Academia, USA 12345
March 10, 2002

"A Study of Faith-Based Organizations' Effectiveness in Local Community Development Projects"

Services:

Applicant (J. Jones):			
_____days @ $_____/day	=	$	x,xxx
Other Professionals:			
A. Smith, _____days @ $_____/day	=	$	xx,xxx
B. Brown, _____days @ $_____/day		=	$ xxx
Clerical:			
C. Johnson,_____days @ $_____/day	=	$	xxx
Subtotal, Service		=	$xx,xxx
Other:			
Travel: _____trips @ $_____/trip		=	$ x,xxx
Computer Usage	=	$	xxx
Reproduction Costs		=	$ xxx
Phone, Mailing, Misc. Materials		=	$ xxx
Subtotal, Other	=	$	x,xxx
Total Estimated Cost			$xx,xxx

[FR Doc. 02–6710 Filed 3–25–02; 8:45 am]
BILLING CODE 4210–32–C

Federal Register

Tuesday,
March 26, 2002

Part II

Department of Housing and Urban Development

Super Notice of Funding Availability (SuperNOFA) for HUD's Discretionary Grants Programs for Fiscal Year 2002; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4723–N–01]

Super Notice of Funding Availability (SuperNOFA) for HUD's Discretionary Grant Programs for Fiscal Year 2002

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Discretionary Grant Programs.

SUMMARY: This Fiscal Year (FY) 2002 SuperNOFA announces the availability of approximately $2.2 billion in HUD program funds covering 41 grant categories within programs operated and administered by HUD offices. The General Section of this SuperNOFA provides the application procedures and requirements that are applicable to all the programs in this SuperNOFA. The Program Section of this SuperNOFA provides a description of the specific programs for which funding is made available and describes any additional procedures and requirements that are applicable to a specific program. Please be sure you read both the General Section and the Program Section of this SuperNOFA to ensure you respond to all the requirements for funding.

APPLICATION DUE DATES: The information in this ''APPLICATION DUE DATES'' section applies to all programs that are part of this SuperNOFA. You, the applicant, must submit a completed application to HUD on or before the respective program's application due date. Application due dates can be found in the HUD FY 2002 SuperNOFA Funding Chart located in this General Section. Information for each program is reiterated in the appropriate Program Section of this SuperNOFA. HUD will not accept any applications sent by facsimile (fax).

ADDRESSES AND APPLICATION SUBMISSION PROCEDURES:

New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD's new policy is:

- No hand deliveries will be accepted;
- Applications sent to the Robert C. Weaver HUD Headquarters Building or the Public and Indian Housing Grants Management Center may only be shipped using DHL, Falcon Carrier, Federal Express (FedEx), United Parcel Service (UPS), or United States Postal Service (USPS);
- Applications submitted to HUD Field Offices must be sent via the USPS;
- All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date; and,
- All applicants who mail applications must have a Certificate of Mailing (USPS Form 3817) as their documentary evidence that the application was filed on time.

Addresses. You, the applicant, must submit a complete application and the required number of copies to the locations identified in the Program Section of this SuperNOFA. When submitting your application, you must refer to the name of the program for which you are seeking funding.

If your application is due to the Robert C. Weaver Building, HUD Headquarters, you must send the application to the following address: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Applications submitted to the Public and Indian Housing Grants Management Center (GMC) should be addressed to Grants Management Center, 501 School Street, SW, Suite 800, Washington, DC 20024. (See the HUD FY 2002 SuperNOFA Funding Chart or Program Section for room location and additional information regarding the addresses for application submission.) Please make sure that you note the correct room number to ensure that your application is not misdirected. Addresses for HUD Field Offices are listed in Appendix A–1 of the General Section of this SuperNOFA.

Applications Sent by Overnight/Express Mail Delivery to HUD Headquarters or the Public and Indian Housing Grants Management Center. If your application is sent by overnight delivery or express mail to HUD Headquarters or the Public and Indian Housing Grants Management Center, your application will be filed on time if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service no later than the application due date. Delivery must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM, Eastern Time, Monday through Friday.

Copies of Applications. The Program Section of this SuperNOFA may specify that to facilitate the processing and review of your application, one or more copies of the application also must be sent to an additional HUD location (for example, a copy to the HUD Field Office and the original application to HUD Headquarters). Please follow the directions of the Program Section to ensure that you submit your application to the proper location(s). If you are required to submit applications to HUD Headquarters *and* Field Offices, timeliness of submission will be based on the time your application is received at HUD Headquarters.

FOR APPLICATION KITS, FURTHER INFORMATION AND TECHNICAL ASSISTANCE: The information in this section is applicable to all programs that are part of this SuperNOFA. This section describes how you may obtain application kits, additional information about the SuperNOFA, and technical assistance. A guidebook to HUD programs titled ''Connecting with Communities: A User's Guide to HUD Programs and the 2002 SuperNOFA process'' is available from the SuperNOFA Information Center and the HUD website at www.hud.gov. This guidebook provides a brief description of all HUD programs, a description of the SuperNOFA programs, eligible applicants for these programs, and examples of how programs can work in combination to serve local community needs. To obtain a guidebook, application kit, or print copy of the General Section or program NOFA, call the SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 (TTY). Copies of all documents related to the SuperNOFA may be downloaded from HUD's website, www.hud.gov.

For Application Kits and SuperNOFA User Guide. HUD is pleased to provide you with instructions for applying for all HUD programs that are part of this SuperNOFA. The instructions are designed to guide you through the application process and ensure that your application addresses all requirements for the program funding you are seeking. For some announcements of funding availability in this SuperNOFA, HUD provides an application kit; for others, no application kit is required. Each Program Section will specify whether there is an application kit, or only the instructions in the SuperNOFA.

Please note that if there is a discrepancy between information provided in the application kit and the information provided in the published SuperNOFA, the information in the published SuperNOFA prevails. Therefore, please be sure to review your application submission against the requirements in the SuperNOFA.

You may request general information and application kits from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)). When requesting an application kit, please refer to the name of the program

you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare your application, requests for application kits can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD website, www.hud.gov.

Consolidated Application Submissions. If you, the applicant, would like to apply for funding under more than one program in this SuperNOFA, you need only submit one original SF–424 and set of assurances and certifications, accompanied by the HUD–424M provided in this SuperNOFA. Once you have submitted one original set of forms, certifications, and assurances, you need send only copies of these standard items with any additional application you submit. Make sure to specify the correct program, however, on each copy of the SF–424 application form and indicate the program to which you have submitted the original signature forms for the standard assurances and certifications. Additionally, the Program Section may specify additional forms, certifications, assurances, or other information that may be required for a particular program in this SuperNOFA.

For Further Information. For answers to questions you may have about this SuperNOFA, you have several options. You may call the SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 (TTY) between the hours of 9:00 AM and 8:00 PM Eastern Time or you may contact the HUD Office or Processing Center serving your area at the telephone number listed in the SuperNOFA for the program in which you are interested. You may also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD website, www.hud.gov.

For Technical Assistance. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this SuperNOFA. However, HUD staff are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of each broadcast, consult the HUD website, www.hud.gov.

Streamlining Grants. The Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106–107) directs each Federal agency to develop and implement a plan that, among other things, streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency. This law also requires the Director of the Office of Management and Budget (OMB) to direct, coordinate, and assist Federal agencies in establishing (1) a common application and reporting system and, (2) an interagency process for addressing ways to streamline and simplify Federal financial assistance application and administrative procedures and reporting requirements for program applicants.

This law also requires OMB to consult with the grantee community as it works with the Federal agencies to develop and implement the course of action that would be undertaken by the Federal agencies to establish an electronic site for accessing grant information and applications. Over the last year, HUD has held outreach sessions informing you of the goals of this new law and seeking your input as the Federal agencies work together to achieve implementation. To find out about the work being done by the Federal agencies to streamline and consolidate the grant application and reporting requirements please go to www.iaegc.gov.

HUD is an active member in the Federal agency working group working to streamline grant application requirements and has established a website where you can obtain information about all grant programs within HUD. You can access this site from our homepage at www.hud.gov by clicking on ''HUD Program inventory.'' In the future, HUD plans to link this site to grant information of other Federal agencies. If you are interested in finding out more about the ''Federal Commons'' and the work being done by other agencies, please visit the Inter-Agency Electronic Grants Committee (IAEGC) website at www.fedcommons.gov.

Introduction to the FY 2002 SuperNOFA

HUD'S FY 2002 SUPERNOFA PROCESS

Background

This is the fifth year HUD is issuing a SuperNOFA for the majority of its competitive grant programs and other financial assistance programs. The SuperNOFA announces the availability of the majority of HUD's discretionary funds. The document is designed to simplify the application process, bring consistency and uniformity to the application and selection process, and make it easier to find funding opportunities available from the Department because they are released early in the year and at the same time. Equally important, the SuperNOFA approach is designed to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs. The SuperNOFA provides a ''menu'' of HUD programs. From this menu, communities will be made aware of funding available for their jurisdictions. Non-profit organizations, public housing agencies, local and State governments, tribal governments and tribally-designated housing entities, veterans service organizations, faith-based and other community-based non-profit organizations, and others will be able to identify the programs for which they are eligible for funding.

By providing access to information about available funding at one time, HUD believes applicants are better able to coordinate service within communities to avoid duplication and more efficiently serve those most in need of assistance.

HUD's Strategic Goals

As part of its internal strategic planning processes, the Department has re-assessed its policy goals and priorities for the next five years and, as a result, is in the process of updating the HUD Strategic Plan framework. Activities funded through this SuperNOFA are meant, to the extent practicable, to support the new Strategic Goals described below. Note that these goals reflect an interim change to HUD's Strategic Plan. In FY 2002, the Department will fully revise its Strategic Plan after consultation with stakeholders and Congress.

Strategic Goal 1: Make the home-buying process less complicated, the paperwork less demanding and the mortgage process less expensive. This is a new Strategic Goal that will help to focus the Department's work in

enforcing the Real Estate Settlement Procedures Act and countering predatory lending. HUD's activities under this Strategic Goal will help to make homeownership more accessible and less expensive for millions of families and help protect them from predatory lending.

Strategic Goal 2: Help families move from rental housing to homeownership. HUD's second Strategic Goal focuses on HUD's activities to expand homeownership opportunities for minorities, persons with disabilities, and other Americans, and to help families that rent be able to afford the costs of rental housing.

Strategic Goal 3: Improve the quality of public housing and provide more choices for its residents. HUD's goals for its public and assisted housing programs go beyond simply providing affordable housing. HUD also strives to improve the *quality* of the housing opportunities provided to families in public and assisted housing. This Goal focuses on improving the management accountability and physical conditions of public and assisted housing and on maximizing the potential of these programs to help families make progress towards self-sufficiency and become homeowners.

Strategic Goal 4: Strengthen and expand faith-based and other community partnerships that enhance communities. HUD has a long and rich history of cooperating with faith-based and other community-based organizations to address the needs of underserved communities, including the needs of those Americans for whom homelessness, the lack of affordable housing, and limited alternatives for special needs housing lead to despair and hopelessness. Building on this history, HUD plans to strengthen and expand its partnerships with faith-based and other community-based groups to take further advantage of their capacity to provide quality services to communities and families.

Strategic Goal 5: Effectively address the challenge of homelessness. HUD is the primary agency responsible for providing housing and related resources to prevent homelessness and help homeless families and individuals move to permanent housing. HUD has a number of objectives with respect to its homelessness work, including that of ending chronic homelessness in 10 years.

Strategic Goal 6: Embrace high standards of ethics, management and accountability. In order to be effective in meeting HUD's other Strategic Goals, it is essential that HUD and HUD's partners embrace high standards of ethics, management, and accountability. The Secretary has established improved ethics and accountability of HUD staff and HUD's partners as ''perhaps the most important'' of HUD's priorities. This Goal cuts across all of HUD's programs and applies to each HUD employee and to every organization that partners with HUD to help HUD accomplish its mission.

Strategic Goal 7: Ensure equal opportunity and access to housing. HUD's core mission has always been to help families find affordable and decent housing. This mission will be fulfilled when all Americans are given an equal opportunity to buy or rent housing that matches their individual needs. Unfortunately, instances of discrimination against minorities, architectural barriers to persons with disabilities, and a lack of housing options for the elderly have all combined to exclude some Americans from enjoying the fruits of America's prosperity. HUD is committed to ending the practice of discrimination through enforcement of fair housing laws as well as through educating lenders, landlords, and tenants in complying with the laws.

Strategic Goal 8: Support community and economic development efforts. HUD funds a variety of programs that help to support the community and economic development efforts of state and local communities. The largest of these programs is the Community Development Block Grant program. Other programs include Section 108 loan guarantees, the Brownfields Economic Development Initiative, the Lead Hazard Reduction and the Healthy Homes Program, the University Partnership Programs, the Indian Community Development Block Grant and Renewal Communities, Empowerment Zones and Enterprise Communities. Additionally, HUD's Native eDGE initiative supports a telephone call center, a publications clearinghouse, website, and a technical assistance information center so that tribes, Native Americans, lending institutions, and private businesses wishing to do business with Tribal governments and entities can collaborate to promote economic growth.

Changes in the SuperNOFA Process for FY 2002

Rating Factors. Applications for most programs in this SuperNOFA will be rated according to five standard Rating Factors (see Section III (C) below). For FY 2002, Rating Factor 5, ''Coordination, Self-Sufficiency and Sustainability,'' has been expanded to reflect this Administration's priority for fostering self-sufficiency.

Coordination means you, the applicant, are working with other organizations that are *not* directly participating in your proposed work activities and have agreed to share information and outcomes that result from the successful completion of your activities, so that the other organizations and members of the community can benefit from the results and improve the overall success of related activities within the community. The goal of coordination is to ensure that programs do not operate in isolation. Coordination looks beyond the support given to the applicant's program claimed by the applicant under Rating Factor 4, Leveraging, and asks ''How does the applicant's program fit into other activities and programs that are being carried out by others in the community?''

Self-sufficiency refers to the extent to which proposed activities can result in increased independence and empowerment. Increased independence can result from expanded job opportunities, homeownership, or housing in a wider range of neighborhoods, additional educational opportunities, and improved living environments.

Sustainability refers to two distinct issues: (1) The potential for an applicant organization to become financially self-sustaining; and, (2) the potential of a specific project or activity to be sustained into the future absent any HUD funding. Just as a business plan presents to a commercial lender an outline of a course of action for an organization to become profitable, the information in the application for this factor will outline a realistic path for the applicant to become financially independent without a need for continued HUD funding.

Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for at least 120 days after awards for assistance are announced, HUD will provide any requesting applicant with a debriefing on their application. All requests for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office. Submit your request to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance'' or as specified in the Program Section of the SuperNOFA under which you applied for assistance. Information provided to you during your debriefing will include, at a

minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

Points Deducted for Poor Performance. As part of HUD's efforts to place greater emphasis on accountability, applicants who received prior awards and failed to meet their program goals may have points deducted from their rating score. Specific details on how points will be deducted are included, as applicable, in the Program Section of the SuperNOFA.

New Programs and Changes to Programs. The FY 2002 SuperNOFA includes the following new funding opportunities:

- Housing Counseling Services Targeting the Colonias;
- Public Housing Resident Opportunity and Self-Sufficiency (ROSS) for Neighborhood Networks Program; and
- Public Housing Resident Opportunity and Self-Sufficiency (ROSS) for Homeownership Supportive Services Program.

Funding opportunities that have changed significantly or been renamed include:

- Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinators Program, replacing Family Self Sufficiency (FSS) Program Coordinators;
- Healthy Homes Demonstration Program, replacing the Healthy Homes Demonstration and Education Program of Fiscal Year 2001; and
- Healthy Homes and Lead Technical Studies, replacing the program for Healthy Homes Research.

Not Available for FY 2002. Funding opportunities that were part of the FY 2001 SuperNOFA but are not available in FY 2002 are:

- Public Housing Drug Elimination—Technical Assistance Program (DETAP);
- Indian Housing Drug Elimination Program;
- Drug Elimination New Approach Anti-Drug Program;
- Drug Elimination Grants for Multifamily Low Income Housing; and,
- Community Housing Development Organization (CHDO) TA.

Funding will be announced later in the year for:

- Revitalization of Severely Distressed Public Housing (HOPE VI);
- Homeownership Research Studies;
- Lead Elimination Action Program (LEAP); and
- Urban Scholars Fellowship Program.

Funding Notices Issued Prior to the SuperNOFA. Due to statutory deadlines for the obligation of funds or for other reasons, there are several programs that have been issued prior to the SuperNOFA. These include:

- Fair Share Allocation of Incremental Voucher Funding;
- Community Development Work Study Program; and
- Capacity Building for Community Development and Affordable Housing. Information on these programs is available on the HUD website at *www.hud.gov.*

Changes to the HOPE VI Program. As indicated earlier, HOPE VI is not included in the FY 2002 SuperNOFA. The HOPE VI NOFA will be published separately in the **Federal Register** at a later date and will be posted on the HUD website, www.hud.gov. Each eligible PHA will receive a HOPE VI Application Kit that will also include the published NOFA. HUD anticipates that the FY 2002 HOPE VI NOFA will reflect some significant changes. Thresholds and rating criteria are being re-examined with a particular emphasis on issues of project readiness, extent of severe distress, leverage, grant amounts and distribution, homeownership, and relocation-related services.

Changes to Policy Priorities. Section VI of this SuperNOFA has been updated to reflect the changes in policy priorities. Please be sure to read the section carefully. Among the new priorities are the inclusion of faith-based and other community-based organizations in program development and implementation, and an emphasis on services to the Colonias. This SuperNOFA also reflects administrative initiatives announced by the Secretary, including a commitment to core values and ethical business practices and an intention to foster intergovernmental partnership and strengthen state and local participation in Federal programs.

Organization of the SuperNOFA

The SuperNOFA is divided into two major sections, the General Section and the Program Section. The General Section of the SuperNOFA describes the procedures and requirements applicable to all applications. The Program Section of the SuperNOFA describes each program and program component that is part of this SuperNOFA. For each funding opportunity, the Program Section describes the eligible applicants, eligible activities, factors for award, and any additional requirements or limitations. Please read both sections carefully to be sure your application is complete. Your attention to the sections will ensure that you apply for funding for which your organization is eligible and that you fulfill all the requirements for application submission.

As part of the simplification of this funding process and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs that are part of this SuperNOFA. HUD programs that provide assistance for, or complement, similar activities (for example, the Continuum of Care programs and CPD Technical Assistance programs) have a consolidated application that reduces the administrative and paperwork burden applicants would otherwise encounter. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated and for which a consolidated application is made available to eligible applicants.

HUD provides copies of all required forms in this publication. The standard forms, certifications, and assurances applicable to all programs, or the great majority of programs, in the SuperNOFA follow the General Section as Appendix B. The forms and any additional certifications and assurances that are unique to the individual program will follow that program section of the SuperNOFA.

The specific statutory and regulatory requirements of the programs that are part of this SuperNOFA continue to apply to each program. The SuperNOFA will identify, where necessary, the statutory requirements and differences applicable to the specific programs. *Please pay careful attention to the specific submission requirements that are identified for each funding opportunity. Not all applicants are eligible to receive assistance under all funding opportunities identified in this SuperNOFA.*

The Programs of This SuperNOFA and the Amount of Funds Allocated

The funding opportunities that are part of this SuperNOFA are identified in the following chart. The amount of funds available is based on funds appropriated in FY 2002 and funds recaptured from prior years' appropriations. In the event that HUD recaptures program funds or other funds become available for a program, HUD reserves the right to increase the available funding by these additional amounts.

The chart also includes the application due date, the OMB approval number for the information collection requirements, and the Catalog of Federal Domestic Assistance (CFDA) number for each funding opportunity.

BILLING CODE 4210–32–P

HUD FY 2002 SuperNOFA Funding

Program Name	Funding Available (funding is approximate)	Application Due Date	Submission Location and Room
HOUSING AND COMMUNITY DEVELOPMENT			
Community Development Technical Assistance (TA)	**Up to $10 million**		
HOME TA CFDA No. 14.239 OMB Approval No: 2506-0166	Up to $5 Million	June 7, 2002	HUD Headquarters Room 7251 and a copy to appropriate local HUD Office
McKinney-Vento Homeless Assistance Programs TA CFDA No. 14.235 OMB Approval No: 2506-0166	Up to $3 million	June 7, 2002	HUD Headquarters Room 7251 and a copy to appropriate local HUD Office
HOPWA TA CFDA No. 14.241 OMB Approval No: 2506-0133	Up to $2 million	June 7, 2002	HUD Headquarters Room 7251 and one copy to appropriate local HUD Office
Community Development Block Grant Assistance	**Up to $70 million**		
Community Development Block Grants for Indian Tribes and Alaskan Native Villages CFDA No. 14.862 OMB Approval No.: 2577-0191	Up to $70 million	June 6, 2002	HUD Area ONAP Office
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	**Up to $37.1 million**		
Community Outreach Partnership Centers (COPC) CFDA No. 14.511 OMB Approval No: 2528-0180	Up to $7.5 million	June 20, 2002	HUD Headquarters Room 7251
Historically Black Colleges and Universities (HBCU) Program CFDA No. 14.237 OMB Approval No.: 2506-0122	Up to $10.5 million	June 20, 2002	HUD Headquarters Room 7251 and one copy to local HUD Field Office

Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No. 14.514 OMB Approval No.: 2528-0198	Up to $10.1 million	June 20, 2002	HUD Headquarters Room 7251
Alaska Native/Native Hawaiian Communities Program (AN/NHIAC) CFDA No. 14.515 OMB Approval No.: 2528-0206	Up to $6 million	June 20, 2002	HUD Headquarters Room 7251
Tribal Colleges and Universities Program (TCUP) CFDA No.: 14.519 OMB Approval No.: 2528-0215	Up to $3 million	June 20, 2002	HUD Headquarters Room 7251
FAIR HOUSING OUTREACH, ENFORCEMENT AND HOUSING COUNSELING			
Fair Housing Programs	**Up to $20 million**		
Fair Housing - Private Enforcement Initiative (PEI) CFDA No. 14.410 OMB Approval No.: 2539-0033	Up to $11.82 million	May 22, 2002	HUD Headquarters Room 5224
Fair Housing Education and Outreach Initiative (EOI) CFDA No.14.409 OMB Approval No.: 2539--0033	Up to $6.32 million	May 22, 2002	HUD Headquarters Room 5224
Fair Housing Organizations Initiative (FHOI) CFDA No. 14.413 OMB Approval No.: 2539-0033	Up to $2.1 million	May 22, 2002	HUD Headquarters Room 5224
Housing Counseling Programs	**Up to $18.25 million**		
Housing Counseling – Local Housing Counseling Agencies (LHCA) CFDA No. 14.169 OMB Approval No.: 2502-0261	Up to $6.6 million	May 17, 2002	Appropriate HUD Homeownership Center

Housing Counseling – National and Regional Intermediaries CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $10.4 million	May 17, 2002	HUD Headquarters Room 9166
Housing Counseling – State Housing Finance Agencies (SHFA) CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $1 million	May 17, 2002	Appropriate HUD Homeownership Center
Housing Counseling – Colonias CFDA No. 14. 169 OMB Approval No.: 2502-0261	Up to $250,000	May 17, 2002	Santa Ana Homeownership Center
HEALTHY HOMES AND LEAD HAZARD CONTROL			
Healthy Homes and Lead Hazard Control Programs	**Up to $88.5 million**		
Lead Hazard Control Program CFDA No.: 14.900 OMB Control No.: 2539-0015	Up to $80 million	June 14, 2002	HUD Headquarters Room P3206
Healthy Homes and Lead-Technical Studies CFDA No.: 14.901 OMB Control No.: 2539-0010	Up to $3.5 million	June 14, 2002	HUD Headquarters Room P3206
Healthy Homes Demonstration Program CFDA No.: 14.901 OMB Control No.: 2539-0015	Up to $5 million	June 14, 2002	HUD Headquarters Room P3206
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic Development and Empowerment Programs	**$ 182.1 million**		
Brownfields Economic Development Initiative (BEDI) CFDA No.: 14.246 OMB Control No.:2506-0153	Up to $29 million	July 9, 2002	HUD Headquarters Room 7251
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Control No.: N/A	Up to $22 million	June 19, 2002	HUD Headquarters Room 7251

YouthBuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	Up to $59.75 million	May 30, 2002	HUD Headquarters Room 7251
Rural Housing and Economic Development CFDA No.: 14.250 OMB Approval No.: 2506-0169	Up to $25 million	April 26, 2002	HUD Headquarters Room 7251
Public Housing Resident Opportunity and Self-Sufficiency (ROSS) Programs	**Up to $78.2 million**		
ROSS for Resident Management and Business Development CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $6 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Capacity Building CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $5 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Resident Service Delivery Models CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $21 million	June 18, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Service Coordinator Renewals CFDA No.: 14.870 OMB Approval No.: 2577-0229	Up to $20 million	May 14, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Neighborhood Networks CFDA No.: pending OMB Approval No.: Pending	Up to $15 million	July 10, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office
ROSS for Homeownership Supportive Services CFDA No.: Pending OMB Approval No.: Pending	Up to $11.2 million	July 10, 2002	Grants Mgmt. Center. For Tribes: ONAP, Denver Program Office

TARGETED HOUSING, HOMELESS AND HOUSING CHOICE VOUCHER ASSISTANCE			
Homeless Assistance	**Up to $950 million**		
Continuum of Care Homeless Assistance Supportive Housing CFDA No. 14.235 Shelter Plus Care CFDA No. 14.238 Section 8 Moderate Rehabilitation Single Room Occupancy CFDA No. 14.249 OMB Approval No. 2506-0112	Up to $950 million	June 21, 2002	HUD Headquarters Room 7270 and two copies to appropriate Field Office
Elderly	**Up to $578.6**		
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	Up to $485.6 million	June 5, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Assisted Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	Up to $93 million	July 3, 2002	Appropriate Multifamily Hub Office
Persons With Disabilities	**Up to $ 238.9 million**		
Section 811 Supportive Housing for Persons With Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	Up to $117.5 million	June 5, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Housing Opportunities for Persons With AIDS (HOPWA) CFDA No.: 14.241 OMB Approval No.: 2506-0133	Up to $27.5 million	May 16, 2002 for Renewals June 25, 2002 for New Projects	HUD Headquarters Room 7251 and two copies to appropriate local HUD Field Office
Mainstream Housing Opportunities for Persons With Disabilities CFDA No.: 14.867 OMB Approval No.: 2577-0169	Up to $53.9 million	July 22, 2002	Grants Management Center

Rental Assistance for Non-elderly Persons With Disabilities Related to Certain Types of Section 8 Project-Based Development and Section 202, 221(d) and 236 Developments CFDA No.: 14.857 OMB Control No.: 2506-0169	Up to $20 million	July 2, 2002	Grants Management Center
Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans CFDA No.: 14.857 OMB Approval No.: 2577-0169	Up to $20 million	Housing Plan - May 20, 2002 Application - July 23, 2002	Plan to the Special Application Center: Application to Grants Management Center
Other Targeted Housing Assistance	**Up to $71.4 million**		
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2577-0198	Up to $25 million	July 3, 2002	Appropriate local HUD Multifamily Hub Office or Multifamily Program Center
Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.855 & 14.85 OMB Approval No.: 2577-0198	Up to $46.4 million	May 21, 2002	Grants Management Center
EDUCATIONAL PROGRAMS			
Doctoral Educational Programs	**Up to $ .55 million**		
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.: 2528-0216	Up to $150,000	June 20, 2002	HUD Headquarters Room 8106
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.: 2528-0213	Up to $400,000	June 20, 2002	HUD Headquarters Room 8106

Paperwork Reduction Act Statement. The information collection requirements in this SuperNOFA have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The preceding chart provides the OMB approval number for each program that is part of this SuperNOFA. Where the chart notes that an OMB number is pending, this means that HUD has submitted the information to OMB to obtain an approval number and HUD's request for the number is pending. As soon as HUD receives the approval number, the number will be published in the **Federal Register** and provided to the SuperNOFA Information Center. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

General Section of the SuperNOFA

I. Authority, Purposes of the FY 2002 SuperNOFA, Funding Amounts, Restrictions Concerning Tobacco Products and Eligible Applicants and Activities

(A) *Authority.* HUD's authority for making funding available under this SuperNOFA is the FY 2002 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Public Law 107–73, approved November 26, 2001 (FY 2002 HUD Appropriations Act). Generally, this statement of authority is not repeated in the individual program sections of this SuperNOFA. The authority provision in the program sections identifies additional statutes and regulations that authorize the requirements listed for the funding competitions that make up this SuperNOFA.

(B) *Purposes.* The purposes of this SuperNOFA are to:

(1) *Make funding available to empower communities and residents.* The funding made available by this SuperNOFA will assist community leaders and residents, including low- and moderate-income residents and faith-based and other community-based grassroots organizations, in using HUD funds to develop viable communities and provide decent housing for all citizens, without discrimination.

(2) *Simplify the application process for funding under HUD programs.* For the majority of funding in this year's SuperNOFA, the SuperNOFA continues to provide a single, uniform set of rating factors and submission requirements. This year's SuperNOFA also allows you, the applicant, to apply for more than one program with a single application.

(3) *Promote comprehensive approaches to housing and community development.* Through the SuperNOFA process, HUD encourages you, the applicant, to focus on the interrelationships that exist in your community and in the use of HUD's funding programs to build community-wide efforts that coordinate the resources of multiple applicants and programs. To successfully address community needs, solve community problems, and take advantage of existing resources, HUD encourages members of a community to join together and pool all available resources in a common, coordinated effort. By making all of HUD's competitive funding available in one document, HUD encourages you, the applicant, to be able to relate the activities proposed for funding under this SuperNOFA to the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI). Applicants who demonstrate a coordinated effort will obtain higher scores than applicants who do not.

(4) *Promote self-sufficiency and economic opportunity* for the persons and communities being served by your program of activities. HUD's goal is to promote the self-sufficiency of those most in need of assistance, ensuring that the funds provided can result in measurable progress in increasing homeownership opportunities for low income and minority households, providing training and job opportunities so individuals and families can be economically self-sufficient, and better coordinating the delivery of services to homeless persons, persons with disabilities and minorities or residents where English may be a second language.

(C) *Funding Available.* As noted in the Introductory Section of this SuperNOFA, the HUD programs in this SuperNOFA are allocated amounts based on appropriated funds. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding by those amounts.

(D) *Restrictions on the Use of HUD Funds in Support of the Sale of Tobacco Products.* Section 211 of the FY 2001 HUD Appropriations Act prohibits the use of HUD funds to construct, operate, or otherwise benefit a facility or facilities with a designated portion that sells or intends to sell predominantly cigarettes or other tobacco products. The Act defines the predominant sale of cigarettes or other tobacco products to mean sales representing more than 35 percent of annual in-store, non-fuel sales. Therefore, any programs funded with remaining or recaptured FY 2001 funds must adhere to this prohibition.

(E) *Eligible Applicants and Eligible Activities.* The Program Section of the SuperNOFA describes the eligible applicants and eligible activities for each program.

II. Requirements and Procedures Applicable to All Programs

Except as may be modified in the Program Section of this SuperNOFA, the requirements, procedures and principles listed below apply to all programs that are part of this SuperNOFA. Please read the Program Section of the SuperNOFA for additional requirements or information.

(A) *Statutory Requirements.* To be eligible for funding under this SuperNOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which funding is sought. If you need copies of the program regulations, they are available from the SuperNOFA Information Center or through the HUD website, www.hud.gov. HUD will not consider an application from an ineligible applicant. See the Program Section for instructions on how HUD will respond to proposed activities that are ineligible. With the exception of the Section 202 and Section 811 programs, HUD may also eliminate the ineligible activities from funding consideration and reduce grant amounts accordingly.

(B) *Threshold Requirements.*

(1) *Compliance with Fair Housing and Civil Rights Laws.*

(a) With the exception of federally recognized Indian tribes and their instrumentalities, all applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a). If you are a federally recognized Indian tribe, you must comply with the non-discrimination provisions enumerated at 24 CFR 1003.601, as applicable. In addition to these requirements, there may be program-specific threshold requirements identified in the Program Sections of the SuperNOFA.

(b) If you, the applicant:

(i) Have been charged with a systemic violation of the Fair Housing Act alleging ongoing discrimination;

(ii) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an on-going pattern or practice of discrimination; or,

(iii) Have received a letter of non-compliance findings under Title VI, Section 504, or Section 109, and if the charge, lawsuit, or letter of findings has

not been resolved to HUD's satisfaction before the application deadline stated in the individual program NOFA, you may not apply for assistance under this SuperNOFA. HUD will not rate and rank your application. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of on-going discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Conducting Business In Accordance With Core Values and Ethical Standards.* Entities subject to 24 CFR Parts 84 and 85 (most non-profit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (see Sections 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must: prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value; and, outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct.

(3) *Other Threshold Requirements.* The Program Section for the funding for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of ''eligibility'' requirements in the Program Section.

(C) *Additional Non-discrimination Requirements.* You, the applicant, and your subrecipients must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*) and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq*).

(D) *Affirmatively Furthering Fair Housing.* Under Section 808(e)(5) of the Fair Housing Act, HUD is obliged to affirmatively further fair housing. HUD requires the same of its grant recipients. Unless otherwise specified in the Program Section of this SuperNOFA, if you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes are color, national origin, religion, sex, disability or perceived ability, and family status. Unless otherwise instructed in the Program Section of this SuperNOFA, your application must include specific steps to:

(1) Overcome the effects of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; and/or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the Program Section of this SuperNOFA for further information.

The requirements to affirmatively further fair housing apply to:

- Alaskan Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects;
- Brownfields Economic Development Initiative (BEDI);
- Community Outreach Partnership Centers (COPC);
- Continuum of Care Homeless Assistance Programs (SHP, Shelter Plus Care, Section 8 Moderate Rehab);
- Fair Housing Initiatives Program (FHIP);
- Funding Availability for Rental Certificate/Housing Choice Voucher Family Self-Sufficiency (FSS) Program;
- Healthy Homes Demonstration Program;
- Healthy Homes Initiative and Lead Technical Studies;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Counseling;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control Program;
- Mainstream Housing Opportunities for Persons with Disabilities;
- Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program;
- Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans;
- Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Developments;
- Resident Opportunities for Self-Sufficiency (ROSS) for Homeownership Supportive Services;
- Rural Housing and Economic Development (RHED);
- Section 202 Supportive Housing for Elderly Persons;
- Section 811 Supportive Housing for Persons with Disabilities;
- Self-Help Homeownership Opportunity Program (SHOP);
- Service Coordinators in Multifamily Housing; and
- YouthBuild Program.

(E) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Certain programs in this SuperNOFA require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low-income persons. As noted in the Program Section of this SuperNOFA, Section 3 is applicable to the following programs:

- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP);
- Brownfields Economic Development Initiative (BEDI);
- Community Development Block Grant Program for Indian Tribes and Alaska Native Villages;
- Continuum of Care Homeless Assistance Programs;
- Healthy Homes and Lead Technical Studies;
- Healthy Homes Demonstration Program;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control;
- Resident Opportunities and Self-Sufficiency Program (ROSS);
- Section 202 Supportive Housing for the Elderly Program;
- Section 811 Supportive Housing for Persons with Disabilities Program.
- Self-Help Homeownership Opportunity Program (SHOP); and
- YouthBuild Program.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged*

Businesses, and Women-Owned Businesses. HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Too often, these businesses still experience difficulty accessing information and successfully bidding on Federal contracts. State, local, and tribal governments are required by 24 CFR 85.36(e) and non-profit recipients of assistance (grantees and sub-grantees) by 24 CFR 84.44(b), to take all necessary affirmative steps in contracting for purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, or as specified in the Program Section.

(G) *Relocation*. The relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with HUD assistance. Some HUD program regulations also cover persons who are temporarily relocated.

Applicants should review the regulations for the programs for which they are applying when planning their project.

(H) *Forms, Certifications, and Assurances*. You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances listed in this section, unless the requirements in the Program Section specify otherwise. Also, the Program Section may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA.

As part of HUD's continuing efforts to improve the SuperNOFA process, several of the required standard forms have been simplified this year. The standard forms, certifications, and assurances are:

- Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);
- Federal Assistance Funding Matrix and Certifications, (HUD–424M);
- Standard Form for Budget Information—Non-Construction Programs (SF–424A) or Standard Form for Budget Information-Construction Programs (SF–424C), as applicable;

Standard Form for Assurances—Non-Construction Programs (SF–424B) or Standard Form for Assurances—Construction Programs (SF–424D), as applicable;

- Drug-Free Workplace Certification (HUD–50070);
- Certification of Payments to Influence Federal Transaction (HUD–50071) and, if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL) (federally recognized tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State recognized Indian tribes and TDHEs established under State law are required to submit this certification);
- Applicant/Recipient Disclosure/Update Report (HUD–2880);
- Certification Regarding Debarment and Suspension (HUD–2992) as required by 24 CFR 24.510 (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, sub-grants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required);
- Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990), if applicable;
- Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
- Acknowledgment of Application Receipt (HUD–2993); and,
- Client Comments and Suggestions (HUD 2994).

Copies of these standard forms follow this General Section of the SuperNOFA. Copies of forms that are particular to an individual program follow the funding information for that program. Also included in Appendix B to the General Section is the Funding Application for the Housing Choice Voucher Program (HUD 52515).

Note: Forms SF–424A and SF–424C ask for information which is similar to the information required by form HUD 4123—Cost Summary which is listed as a required form under the ICDBG Program Section of this SuperNOFA and which is a required form for that program. Also note that there are assurances separate from SF–424B and 424D for the ICDBG program, which are specific to that program.

(I) *OMB Circulars and Government-wide Regulations Applicable to Grant Programs*. Certain OMB circulars also apply to programs in this SuperNOFA. The policies, guidance, and requirements of OMB Circular A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), OMB Circular A–21 (Cost Principles for Education Institutions), OMB A–122 (Cost Principles for Nonprofit Organizations), OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations), and the regulations in 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments), may apply to the award, acceptance, and use of assistance under the programs of this SuperNOFA, and to the remedies for non-compliance, except when inconsistent with the provisions of the FY 2002 HUD Appropriations Act, other Federal statutes or regulations, or the provisions of this SuperNOFA. Compliance with additional OMB Circulars or government-wide regulations may be specified for a particular program in the Program Section of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications; Room 2200; New Executive Office Building; Washington, DC 20503; telephone (202) 395–7332 (this is not a toll free number); or, from the website, www.whitehouse.gov/omb/circulars/index.html.

(J) *Environmental Requirements*. If you become a grantee under one of the programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) HUD has completed an environmental review in accordance with 24 CFR part 50; or

(2) For programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the Program Section of the SuperNOFA for the applicable program to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Sections 202 or 811 Programs, please note the environmental review requirements for these programs.

(K) *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this SuperNOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information, if applicable: how the selection or non-selection of any applicant under this SuperNOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or, how the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this SuperNOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202–708–3815.

(L) *Accessible Technology.* The Rehabilitation Act Amendments of 1998 apply to all electronic information technology (EIT) used by a grantee for transmitting, receiving, using, or storing information to carry out the responsibilities of any federal grant awarded. The Act's coverage includes, but is not limited to, computers (hardware, software, word-processing, email, and web pages), facsimile machines, copiers and telephones. When developing, procuring, maintaining, or using EIT, funding recipients must ensure that the EIT allows employees with disabilities and members of the public with disabilities to have access to and use of information and data that is comparable to the access and use of information and data by employees and members of the public who do not have disabilities. If these standards impose a hardship on a funding recipient, they may provide an alternative means to allow the individual to use the information and data. However, no grantee will be required to provide information services to a person with disabilities at any location other than the location at which the information services is generally provided.

III. Application Selection Process

(A) *Rating Panels.* To review and rate applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) *Rating.* HUD will evaluate and rate all applications for funding that meet the threshold requirements and rating factors for award described in this SuperNOFA. This will include rating the applicant and/or the applicant's organization and staff for technical merit or threshold compliance as well as any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project. In evaluating applications for funding HUD will take into account applicants' past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State, or local programs; meeting performance targets for completion of activities; and, number of persons to be served or targeted for assistance. HUD may include information at hand or available from public sources such as, but not limited to, newspapers, Inspector General or Government Accounting Office Reports or Findings, and/or hotline complaints that have been proven to have merit. In evaluating past performance, HUD may elect to deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program Section of this SuperNOFA.

(2) *Ranking.* HUD will rank applicants within each program or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA. HUD will rank applicants only against those applying for the same program funding. Where there are set-asides within a program competition, you, the applicant, will compete against only those applicants in the same set-aside competition.

(B) *Threshold Requirements.* HUD will review your application to determine whether it meets all of the threshold requirements described in Section II(B), above. Only applications that meet all of the threshold requirements will be eligible to be rated and ranked.

(C) *Factors for Award Used to Evaluate and Rate Applications.* For each program that is part of this SuperNOFA, the points awarded for the rating factors total 100. Depending upon the program for which you the applicant seek funding, the funding opportunity may provide for up to six bonus points as provided in paragraphs (1)–(3) of this Section III(C).

(1) *RC/EZ/EC.* The SuperNOFA provides for the award of two bonus points for eligible activities/projects that the applicant proposes to be located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhanced Enterprise Communities (EECs), Strategic Planning Communities, or Renewal Communities (RCs), serve the residents of these areas, and are certified to be consistent with the area's strategic plan. (For ease of reference in the SuperNOFA, all these federally designated areas are collectively referred to as ''RC/EZ/ECs'' and residents of any of these federally designated areas as ''RC/EZ/EC residents.'') The individual funding announcement will indicate if the bonus points are available for that funding. The SuperNOFA contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points. A list of RCs, EZs, ECs, EECs, and Strategic Planning Communities is attached to this General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD website, www.hud.gov.

(2) *Brownfield Showcase Communities:* In the BEDI competition, two bonus points are available for federally designated Brownfields Show Case Communities. (Please see BEDI section of this SuperNOFA for additional information.) A list of the federally designated RCs, EZs, ECs, Enhanced ECs, and Brownfield Showcase Communities is available from the SuperNOFA Information Center or through the HUD website, www.hud.gov.

(3) *Court-Ordered Consideration.* For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low-income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low-income housing programs have on potential participants in the programs covered by this SuperNOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 bonus points to

the score based upon this consideration. This special consideration results from an order of the U.S. District Court for the Northern District of Texas, Dallas Division. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(4) *The Five Standard Rating Factors.* The majority of programs in this SuperNOFA use the five rating factors described below. Additional details about the five rating factors and the maximum points for each factor are provided in the Program Section of the SuperNOFA. You, the applicant, should carefully read the factors for award as described in the Program Section of the SuperNOFA. HUD has established these five factors as the basic factors for award in every program that is part of this SuperNOFA. For a specific funding opportunity, however, HUD may have modified these factors to take into account specific program needs or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section, are:

Factor 1: Capacity of the Applicant and Relevant Organizational Staff

Factor 2: Need/Extent of the Problem

Factor 3: Soundness of Approach

Factor 4: Leveraging Resources

Factor 5: Coordination, Self-Sufficiency and Sustainability

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) *Negotiation.* After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant.

(E) *Adjustments to Funding.*

(1) HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of the funds and that the purposes of a specific program are met.

(2) HUD will not fund any portion of your application that: is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this SuperNOFA; or may be duplicative of other funded programs or activities from previous years' awards or other selected applicants. Only the eligible portions of your application (including non-duplicative portions) may be funded.

(3) If funds remain after funding the highest-ranking applications, HUD may fund all or part of the next highest-ranking application in a given program. If you, the applicant, turn down an award offer, HUD will make an offer of funding to the next highest-ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program where there is a balance of funds.

(4) In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) Performance and Compliance Actions of Grantees. HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective programs.

IV. Application Submission Requirements

As discussed in the Introductory Section of this SuperNOFA, part of the simplification of this funding process is to reduce the duplication of effort that has been required of applicants in the past. Before the SuperNOFA process, many of HUD's applicants were required to complete and submit similar applications for HUD funded programs. As the Program Chart shows, the FY 2002 SuperNOFA provides, as did the previous SuperNOFAs, for consolidated applications for several of the programs for which funding is available under this SuperNOFA.

V. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. Examples of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. (Sections 202 and 811 Programs provide for appeal of rejection of an application on technical deficiency. Please see the Program Section for these programs for additional information and instructions.)

VI. HUD's FY 2002 SuperNOFA Policy Priorities

This Section describes important initiatives that HUD is encouraging applicants to undertake in implementing programs funded under this SuperNOFA. Seven SuperNOFA policy priorities are listed below. Each of the seven policy priorities support the interim Strategic Goals listed in Part II of this NOFA, as noted below.

(A) *Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families where English may be a Second Language.* Too often these individuals and families are shut out of the housing market through no fault of their own. HUD encourages applicants to work aggressively to open up the realm of homeownership to many who want the joy, security, and sense of community that comes from owning a home of their own. Proposed activities can support Strategic Goals 1, 2, and 7.

(B) *Improving the Quality of Public Housing and Providing More Choices for Its Residents.* HUD wants to improve the quality of life for those living in public housing, not only by improving the physical surroundings of public housing developments, but by providing residents greater opportunities to move from public housing into homeownership opportunities or into a community with greater housing choices and better educational and employment opportunities. Proposed

activities directly support Strategic Goal 3, but can also support Strategic Goals 4, and 7.

(C) *Encouraging Accessible Design Features.* As described in Section II (B) and (H), applicants must be in compliance with applicable civil rights laws including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. These laws, and regulations implementing them, provide for nondiscrimination based on disability and require housing and facilities to incorporate certain features intended to provide for their use and enjoyment by persons with disabilities.

HUD is encouraging applicants to add accessible design features beyond those required under civil rights laws and regulations. These features would eliminate many other barriers limiting the access of persons with disabilities to housing and other facilities. These accessible design features are intended to promote visitability and incorporate features of universal design as described below:

(i) Visitability in New Construction and Substantial Rehabilitation. Applicants are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. A visitable home also serves persons without disabilities, such as a mother pushing a stroller or a person delivering a large appliance. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)) and also from the Office of Fair Housing and Equal Opportunity; U.S. Department of Housing and Urban Development; Room 5230, 451 Seventh Street, SW.; Washington, DC 20410; 202–755–5404 or 1–800–877 8399 (TTY Federal Information Relay Service). Proposed activities support Strategic Goal 7.

(ii) Universal Design. Applicants are encouraged to incorporate universal design in the construction or rehabilitation of housing, retail establishments, and community facilities funded with HUD assistance. Universal design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities. In addition to any applicable required accessibility features under Section 504 of the Rehabilitation Act of 1973 or the design and construction requirements of the Fair Housing Act, the Department encourages applicants to incorporate the principles of universal design when developing housing, community facilities, electronic communication mechanisms, or when communicating with community residents at public meetings or events. HUD believes that by creating housing that is accessible to all, it can increase the supply of affordable housing for all, regardless of ability or age. Likewise, creating places where people work, train, and interact which are useable and open to all residents increases opportunities for economic and personal self-sufficiency. Proposed activities under this priority will support Strategic Goals 2, 7, and 8.

(D) *Improving Computer Access, Literacy, and Employment Opportunities.* The Department seeks to promote activities that provide access to computers to low- and moderate-income adults and children who do not have access and, therefore, may be disadvantaged with respect to education, work, and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks. Neighborhood Networks enhance the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured or HUD-assisted properties, and public housing by providing on-site computer access and training resources.

Applicants are encouraged to teach adults and children how to use computers to achieve economic self-sufficiency, provide job training and placement, and establish public-private partnerships to support community-learning centers and provide apprenticeship opportunities. Proposed activities can support Strategic Goals 2, 3, 4, 5, 7, and 8.

(E) *Providing Full and Equal Access to Faith-Based and Other Community-Based Organizations in HUD Program Implementation.* (1) HUD encourages non-profit organizations, including grassroots faith-based and other community-based organizations, to participate in the vast array of programs for which funding is available through this SuperNOFA. HUD believes that grassroots organizations, e.g., civic organizations, congregations, and faith-based and other community-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness, counseling individuals and families on fair housing rights, providing elderly housing opportunities, developing first time homeownership programs, increasing homeownership and rental housing opportunities in neighborhoods of their choice, developing affordable and accessible housing in neighborhoods across the country, creating economic development programs, and supporting the residents of public housing facilities. The goal of this policy priority is to make HUD's programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhoods. Additionally, HUD encourages applicants to include these faith-based and other community-based grassroots organizations in their workplans. Applicants, their partners, and participants must review the Program Section of this SuperNOFA to determine eligibility. Faith-based and other community-based grassroots organizations, and applicants who currently or propose to partner, fund, or subcontract with grassroots organizations, including faith-based or other community-based non-profits eligible under applicable program regulations, in conducting their work programs will receive higher rating points as specified in the program section of this SuperNOFA.

(2) Definition of Grassroots Organizations.

(a) HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community to which it provides services; and,

(i) Has a social services budget of $300,000 or less, or

(ii) Has six or fewer full-time equivalent employees.

(b) Local affiliates of national organizations are not considered ''grassroots.'' Local affiliates of national organizations are encouraged, however, to partner with grassroots organizations but must demonstrate that they are currently working with a grassroots organization, e.g., having a congregation or civic organization, or other charitable organization provide volunteers.

(c) The cap provided in paragraph (2)(a)(i) above includes only that portion of an organization's budget allocated to providing social services. It does not include other portions of the budget such as salaries and expenses. Activities under this priority directly support Strategic Goal 4.

(F) *Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.* HUD encourages applicants to include program measures to ensure that promises made in your application for funding for persons to be assisted, units to be constructed or rehabilitated, timelines and budgets to be followed, and results to be achieved can be accounted for and independently assessed to ensure performance goals have been met. Applicants who have included means of assessing progress and tracking performance goals and achievements against promises made in the application will receive higher rating points. Actions taken to support this priority directly support Strategic Goal 6.

(G) *Colonias.* HUD seeks to improve housing conditions for families living in Colonias. Colonia means any identifiable community that:

(i) is located in Arizona, California, New Mexico, or Texas:

(ii) is within 150 miles of the border between the United States and Mexico: and

(iii) meets objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

Activities performed under this priority primarily support Strategic Goal 8, but can also support Strategic Goals 3, 4, and 7.

VII. Findings and Certifications

(A) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Regulations Division, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

(B) *Executive Order 13132, Federalism.* Executive Order 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the relevant requirements of Section 6 of the Executive Order are met. This SuperNOFA does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(C) *Executive Order 12372, Intergovernmental Review of Federal Programs.* Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform a State review function. The official listing of State Points of Contact (SPOC) for this review process can be found at www.whitehouse.gov/omb/grants/spoc.html. States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your State has a SPOC, you should contact them to see if they are interested in reviewing your application prior to submission to HUD. Please make sure that you allow ample time for this review process when developing and submitting your applications. If your State does not have a SPOC, you may send applications directly to HUD.

(D) *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of Section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific contract, grant, or loan. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not and have not used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL ''Disclosure of Lobbying Activities,'' any funds, other than federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law must comply with this requirement.

(E) *Section 102 of the HUD Reform Act, Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 15).

(2) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice and for at least 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting one on their application. All debriefing requests must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance'' in the Program Section of the SuperNOFA under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

(3) *Disclosures.* HUD will make available to the public for five years all applicant disclosure reports (HUD Form

2880) submitted in connection with this SuperNOFA. Update reports (also reported on HUD Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 5).

(4) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to Section 102(a) of the HUD Reform Act; and/or

(ii) Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(F) *Section 103 of the HUD Reform Act.* HUD's regulations implementing Section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at 202–708–3815. (This is not a toll-free number.) HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

VIII. The FY 2002 SuperNOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its SuperNOFA. The FY 2002 SuperNOFA was revised based upon comments received during the FY 2001 funding process. HUD continues to welcome comments and feedback from applicants and other members of the public on how HUD may further improve its competitive funding process.

The description of programs for which funding is available under this SuperNOFA follows this General Section and its appendices.

Dated: March 14, 2002.

Mel Martinez,

Secretary.

BILLING CODE 4210–32–P

APPENDIX A-1. LIST OF HUD FIELD OFFICES

Region	Office	Address and phone numbers
NEW ENGLAND	Boston, MA	HUD - Boston Office - O'Neil Federal Building 10 Causeway Street, Room.375 Boston, MA OFC PHONE (617) 994-8203 FAX (617) 565-6558
	Hartford, CT	HUD - Hartford Office One Corporate Center Hartford, CT OFC PHONE (860) 240-4844 FAX (860) 240-4850
	Bangor, ME	HUD - Bangor Office 202 Harlow Street - Chase Bldg. Suite 101 Bangor, ME OFC PHONE (207) 945-0468 FAX (207) 945-0533
	Bangor, ME	HUD - Bangor Office 202 Harlow Street - Chase Bldg. Suite 101 Bangor, ME OFC PHONE (207) 945-0468 FAX (207) 945-0533
	Manchester, NH	HUD - Manchester Office Norris Cotton Federal Bldg. 275 Chestnut Street Manchester, NH OFC PHONE (603) 666-7682 FAX (603) 666-7667
	Providence, RI	HUD - Providence Office 10 Weybosset Street Sixth Floor Providence, RI OFC PHONE (401) 528-5352 FAX (401) 528-5097
	Burlington, VT	HUD - Burlington Office Room 237 - Federal Building 11 Elmwood Avenue Burlington, VT OFC PHONE (802) 951-6290 FAX (802) 951-6298
NEW YORK/NEW JERSEY	New York, NY	HUD - New York Office 26 Federal Plaza - Suite 3541 New York, NY OFC PHONE (212) 264-1161 FAX (212) 264-3068
	Albany, NY	HUD - Albany Office 52 Corporate Circle Albany, NY OFC PHONE (518) 464-4200 Ext. 4204 FAX (518) 464-4300
	Buffalo, NY	HUD - Buffalo Office Lafayette Court, 5th Floor 465 Main Street Buffalo, NY OFC PHONE (716) 551-5733 Ext. 5000 FAX (716) 551-5752
	Syracuse, NY	HUD - Syracuse Storefront Office 128 Jefferson Street Syracuse, NY OFC PHONE (315) 477-0616 FAX (315) 477-0196
	Newark, NJ	HUD - Newark Office - 13th Floor One Newark Center Newark, NJ OFC PHONE (973) 622-7619 FAX (973) 645-2323
	Camden, NJ	HUD - Camden Office 2nd Floor - Hudson Bldg. 800 Hudson Square Camden, NJ OFC PHONE (856) 757-5081 FAX (856) 757-5373
MID-ATLANTIC	Philadelphia, PA	HUD Philadelphia Office The Wanamaker Building 100 Penn Square, East Philadelphia, PA OFC PHONE (215) 656-0600 FAX (215) 656-3445
	Pittsburgh, PA	HUD Pittsburgh Office 339 Sixth Avenue - Sixth Floor Pittsburgh, PA OFC PHONE (412) 644-5945 FAX (412) 644-4240
	Wilmington, DE	HUD - Wilmington Office 824 Market Street, Suite 850 Wilmington, DE OFC PHONE (302) 573-6300 FAX (302) 573-6259
	Baltimore, MD	HUD Baltimore Office 10 South Howard Street, 5th Floor Baltimore, MD OFC PHONE (410) 962-2520 Ext. 3474 FAX (410) 962-1849
	Richmond, VA	HUD Richmond Office 3600 West Broad Street Richmond, VA OFC PHONE (804) 278-4507 Ext. 3208 FAX (804) 278-4603
	Washington, DC	HUD Washington, DC Office 820 First Street NE, Suite 300 Washington, DC OFC PHONE (202) 275-9206 Ext. 3075 FAX (202) 275-9212

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Region	Office	Address and phone numbers
	Washington, DC	801 N. Capitol St NE Washington, DC (202) 275-9200 Ext. 3141
	Charleston, WV	HUD - Charleston Office 405 Capitol Street, Suite 708 Charleston, WV OFC PHONE (304) 347-7036 Ext. 101 FAX (304) 347-7050
SOUTHEAST/CARIBBEAN	Atlanta, GA	Secretary's Representative 40 Marietta Street - Five Points Plaza Atlanta, GA OFC PHONE (404) 331-4111 FAX (404) 730-2392
	Birmingham, AL	HUD - Birmingham Office Medical Forum Bldg 950 22nd Street North, Suite 900 Birmingham, AL OFC PHONE (205) 731-2617 FAX (205) 290-7593
	San Juan, PR	HUD Caribbean Office 171 Carlos E. Chardon Avenue San Juan, PR OFC PHONE (787) 766-5201 FAX (787) 766-5995
	Louisville, KY	HUD - Louisville Office 601 West Broadway, PO Box 1044 Louisville, KY OFC PHONE (502) 582-5251 FAX (502) 582-6074
	Miami, FL	HUD Florida State Office 909 SE First Avenue Miami, FL OFC PHONE (305) 536-5678 FAX (305) 536-5765
	Jacksonville, FL	HUD - Jacksonville Office 301 West Bay Street, Suite 2200 Jacksonville, FL OFC PHONE (904) 232-2627 FAX (904) 232-3759
	Orlando, FL	HUD - Orlando Office 3751 Maguire Boulevard, Room 270 Orlando, FL OFC PHONE (407) 648-6441 FAX (407) 648-6310
	Tampa, FL	HUD Tampa Office 500 Zack Street, Suite 402 Tampa, FL OFC PHONE (813) 228-2504 FAX (813) 228-2431
	Jackson, MS	HUD Jackson Office McCoy Federal Building 100 W. Capitol Street, Room 910 Jackson, MS OFC PHONE (601) 965-4700 Ext. 2105 FAX (601) 965-4773
	Greensboro, NC	HUD Greensboro Office Koger Building 2306 West Meadowview Road Greensboro, NC OFC PHONE (336) 547-4001, 4002,4003 FAX (336) 547-4138
	Columbia, SC	HUD Columbia Office 1835 Assembly Street Columbia, SC OFC PHONE (803) 765-5592 FAX (803) 253-3040
	Nashville, TN	HUD - Nashville Office 235 Cumberland Bend, Suite 200 Nashville, TN OFC PHONE (615) 736-5213 ext. 7120 FAX (615) 736-2018
	Knoxville, TN	HUD - Knoxville Office 710 Locust Street, SW Knoxville, TN OFC PHONE (423) 545-4384 FAX (423) 545-4569
	Memphis, TN	HUD - Memphis Office 200 Jefferson Avenue, Suite 1200 Memphis, TN OFC PHONE (901) 544-3367 FAX (901) 544-3697
MIDWEST	Chicago, IL	Ralph Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL OFC PHONE (312) 353-5680 FAX (312) 886-2729
	Indianapolis, IN	HUD Indianapolis Office 151 North Delaware Street, Suite 1200 Indianapolis, IN OFC PHONE (317) 226-6303, ext. 7034 FAX (317) 226-6317
	Detroit, MI	HUD Detroit Office 477 Michigan Avenue Detroit, MI OFC PHONE (313) 226-7900 FAX (313) 226-5611
	Flint, MI	HUD Flint Office Municipal Center, North Building 1101 S. Saginaw Street Flint, MI OFC PHONE (810) 766-5112 FAX (810) 766-5122
	Grand Rapids, MI	HUD Grand Rapids Office Trade Center Building 50 Louis

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Region	Office	Address and phone numbers
		Street, N.W. Grand Rapids, MI OFC PHONE (616) 456-2100 FAX (616) 456-2114
	Minneapolis, MN	HUD Minneapolis Office 220 Second Street, South Minneapolis, MN OFC PHONE (612) 370-3288 FAX (612) 370-3220
	Columbus, OH	HUD Columbus Office 200 North High Street Columbus, OH OFC PHONE (614) 469-2540, Ext. 8116 FAX (614) 469-2432
	Cincinnati, OH	HUD Cincinnati Office 15 East 7th Street Cincinnati, OH OFC PHONE (513) 684-2967 FAX (513) 684-6224
	Cleveland, OH	HUD Cleveland Office 1350 Euclid Avenue, Suite 500 Cleveland, OH OFC PHONE (216) 522-4058 Ext. 7102 FAX (216) 522-4067
	Milwaukee, WI	HUD Milwaukee Office 310 West Wisconsin Avenue, Room 1380 Milwaukee, WI OFC PHONE (414) 297-3214 ext. 8000 FAX (414) 297-3947
SOUTHWEST	Ft. Worth, TX	HUD Ft. Worth Office 801 Cherry St, PO Box 2905 Ft. Worth, TX OFC PHONE (817) 978-5965 FAX (817) 978-5567
	Dallas, TX	HUD Dallas Office 525 Griffin Street, Room 860 Dallas, TX OFC PHONE (214) 767-8300 FAX (214) 767-8973
	Houston, TX	HUD Houston Office 2211 Norfolk #200 Houston, TX OFC PHONE (713) 313-2274 ext. 7015 FAX (713) 313-2319
	Lubbock, TX	HUD Lubbock Office 1205 Texas Avenue, Room. 511F Lubbock, TX OFC PHONE (806) 472-7265 Ext. 3030 FAX (806) 472-7275
	San Antonio, TX	HUD San Antonio Office 800 Dolorosa San Antonio, TX OFC PHONE (210) 475-6806 FAX (210) 472-6804
	Little Rock, AR	HUD Little Rock Office 425 West Capitol Avenue #900 Little Rock, AR OFC PHONE (501) 324-5401 FAX (501) 324-6142
	New Orleans, LA	HUD New Orleans Office Hale Boggs Bldg. 501 Magazine Street, 9th Floor New Orleans, LA OFC PHONE (504) 589-7201 FAX (504) 589-6619
	Shreveport, LA	HUD Shreveport Office 401 Edwards Street, Room. 1510 Shreveport, LA OFC PHONE (318) 676-3440 FAX (318) 676-3407
	Albuquerque, NM	HUD Albuquerque Office 625 Silver Avenue SW, Suite 100 Albuquerque, NM OFC PHONE (505) 346-6463 Ext. 7332 FAX (505) 346-6704
	Oklahoma City, OK	HUD Oklahoma City Office 500 W. Main Street, Suite 400 Oklahoma City, OK OFC PHONE (405) 553-7500 FAX (405) 553-7588
	Tulsa, OK	HUD Tulsa Office 1516 S Boston Ave, Suite 100 Tulsa, OK OFC PHONE (918) 581-7168 FAX (918) 581-7440
GREAT PLAINS	Kansas City, KS	HUD Kansas City Office 400 State Avenue, Room 200 Kansas City, KS OFC PHONE (913) 551-5462 Ext. 5 FAX (913) 551-5469
	Des Moines, IA	HUD Des Moines Office 210 Walnut Street, Room 239 Des Moines, IA OFC PHONE (515) 284-4573 FAX (515) 284-4743
	Omaha, NE	HUD Omaha Office 10909 Mill Valley Road, Suite 100 Omaha, NE OFC PHONE (402) 492-3103 FAX (402) 492-3150
	St. Louis, MO	HUD St. Louis Office 1222 Spruce Street #3207 St. Louis,

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Region	Office	Address and phone numbers
		MO OFC PHONE (314) 539-6560 FAX (314) 539-6384
ROCKY MOUNTAINS	Denver, CO	Secretary's Representative HUD Denver Office 633 17th Street, 14th Floor Denver, CO OFC PHONE (303) 672-5440 FAX (303) 672-5004
	Helena, MT	HUD Helena Office 7 W 6th Avenue Helena, MT OFC PHONE (406) 449-5048 FAX (406) 441-1292
	Fargo, ND	HUD - Fargo Office 657 2nd Avenue North, Room 366 Fargo, ND OFC PHONE (701) 239-5040 FAX (701) 239-5249
	Sioux Falls, SD	HUD - Sioux Falls Office 2400 West 49th Street, Room. I-201 Sioux Falls, SD OFC PHONE (605) 330-4223 FAX (605) 330-4428
	Salt Lake City, UT	HUD Salt Lake City Office 257 East, 200 South, Room. 550 Salt Lake City, UT OFC PHONE (801) 524-6071 FAX (801) 524-3439
	Casper, WY	HUD - Wyoming Office 100 East B Street, Room 4229 Casper, WY OFC PHONE (307) 261-6251 FAX (307) 261-6245
PACIFIC/HAWAII	San Francisco, CA	HUD - San Francisco Office 450 Golden Gate Avenue San Francisco, CA OFC PHONE (415) 436-6532 FAX (415) 436-6446
	Fresno, CA	HUD - Fresno Office 2135 Fresno Street, Suite 100 Fresno, CA OFC PHONE (559) 487-5032 Ext. 232 FAX (559) 487-5191
	Los Angeles, CA	HUD Los Angeles Office 611 W. Sixth Street, Suite 800 Los Angeles, CA OFC PHONE (213) 894-8007 FAX (213) 894-8110
	Sacramento, CA	HUD Sacramento Office 925 L Street Sacramento, CA OFC PHONE (916) 498-5220 Ext. 322 FAX (916) 498-5262
	San Diego, CA	HUD San Diego Office Symphony Towers 750 B Street, Suite 1600 San Diego, CA OFC PHONE (619) 557-5310 FAX (619) 557-5312
	Santa Ana, CA	HUD Santa Ana Office 1600 N. Broadway, Suite 100 Santa Ana, CA OFC PHONE (714) 796-5577 Ext. 3006 FAX (714) 796-1285
	Phoenix, AZ	HUD Phoenix Office 400 North Fifth Street, Suite 1600 Phoenix, AZ OFC PHONE (602) 379-4434 FAX (602) 379-3985
	Tucson, AZ	HUD Tucson Office 160 N Stone Ave Tucson, AZ OFC PHONE (520) 670-6000 FAX (520) 670-6207
	Honolulu, HI	HUD Honolulu Office 500 Ala Moana Blvd. #3A Honolulu, HI OFC PHONE (808) 522-8175 Ext. 256 or 259 FAX (808) 522-8194
	Las Vegas, NV	HUD Las Vegas Office 333 N. Rancho Drive - Atrium Bldg. Suite 700 Las Vegas, NV OFC PHONE (702) 388-6208/6500 FAX (702) 388-6244
	Reno, NV	HUD Reno Office 3702 S. Virginia Street Reno, NV OFC PHONE (775) 784-5356 FAX (775) 784-5066
NORTHWEST/ALASKA	Seattle, WA	Secretary's Representative HUD Seattle Office 909 First Avenue, Suite 200 Seattle, WA OFC PHONE (206) 220-5101 FAX (206) 220-5108
	Spokane, WA	HUD Spokane Office US Courthouse Bldg. 920 W. Riverside, Suite 588 Spokane, WA OFC PHONE (509) 353-0674 FAX (509) 353-0682
	Anchorage, AK	HUD Anchorage Office 949 East 36th Avenue, Suite 401

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Region	Office	Address and phone numbers
		Anchorage, AK OFC PHONE (907) 271-4170 FAX (907) 271-3778
	Boise, ID	HUD Boise Office Plaza IV, Suite 220 800 Park Boulevard Boise, ID OFC PHONE (208) 334-1990 ext. 3007 FAX (208) 334-9648
	Portland, OR	HUD Portland Office 400 SW 6th Avenue #700 Portland, OR OFC PHONE (503) 326-2561 FAX (503) 326-2568

Appendix A-2 – List of EZs, ECs, Urban Enhanced Enterprise Communities, Strategic Planning Communities, and Renewal Comunities

Anchorage, AK

Susan Fison, Municipality of Anchorage, Department of Community Planning and Development
632 W. Sixth Ave.
Anchorage, AK 99501
(Ph.) 907-343-4303 (Fax) 907-343-4220
FisonSR@ci.anchorage.ak.us

Metlakatla Indian Community, AK

Victor Wellington, Sr., Metlakatla Indian Enterprise Community,
P.O. Box 8
Metlakatla, AK 99926-0008
(Ph.) 907-886-4441 (Fax) 907- 886-3338
paultb@ptialaska. net

Birmingham, AL

Keith Strother, City of Birmingham,
710 N. 20th St. City Hall, Third Floor
Birmingham, AL 35203
(Ph.) 205-254-2870 (Fax) 205-254-7741
kastrot@ci.birmingham.al.us

Chambers County, AL

David Umling, Chambers County Enterprise Community,
1130 Quintard Ave. Suite 300
Anniston, AL 36202
(Ph.) 256-237-6741 (Fax) 256-237-6763
earpdc@adss.state.al.us

Greene/Sumter Counties, AL

Herlecia Hampton, Greene and Sumter Enterprise Community,
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Appendix B

This appendix to the General Section of the SuperNOFA contains the standard forms, certifications and assurances used by the majority if not all of the programs that are part of the SuperNOFA.

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. **Type of Submission** **Application** ☐ Construction ☐ Non-Construction **Pre-application** ☐ Construction ☐ Non-Construction	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. Employer Identification Number (EIN) (xx-yyyyyyy)

7. Type of Applicant (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

8. Type of Application:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. Name of Federal Agency

10. Catalog of Federal Domestic Assistance Number (xx-yyy)

Title:

11. Descriptive Title of Applicant's Project

12. Areas Affected by Project (cities, counties, States, etc.)

13. Proposed Project		**14. Congressional Districts of**	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. Estimated Funding

Complete form HUD-424-M, Funding Matrix

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. **Yes** This pre-application/application was made available to the State Executive Order 12372 Process for review on:

Date (mm/dd/yyyy)_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

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form **SF-424** (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043, Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M, Funding Matrix.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval (pending)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

Budget Information — Non-Construction Programs

OMB Approval No. 0348-0044

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) **Totals**
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

(a) Grant Program	**Future Funding Periods (Years)**			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

OMB Approval No. 0348-0041

Budget Information—Construction Programs

Note: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	$ .00	$ .00	$ .00
2. Land, structures, rights-of-way, appraisals, etc.	$ .00	$ .00	$ .00
3. Relocation expenses and payments	$ .00	$ .00	$ .00
4. Architectural and engineering fees	$ .00	$ .00	$ .00
5. Other architectural and engineering fees	$ .00	$ .00	$ .00
6. Project inspection fees	$ .00	$ .00	$ .00
7. Site work	$ .00	$ .00	$ .00
8. Demolition and removal	$ .00	$ .00	$ .00
9. Construction	$ .00	$ .00	$ .00
10. Equipment	$ .00	$ .00	$ .00
11. Miscellaneous	$ .00	$ .00	$ .00
12. **Subtotal**	$ .00	$ .00	$ .00
13. Contingencies (sum of lines 1-11)	$ .00	$ .00	$ .00
14. **Subtotal**	$ .00	$ .00	$ .00
15. Project (program) income	$ .00	$ .00	$ .00
16. **Total Project Costs** (subtract #15 from #14)	$ .00	$ .00	$ .00
Federal Funding			
17. Federal assistance requested, calculate as follows: Enter eligible costs from line 16c _____ Multiply x _____ % (Consult Federal agency for Federal percentage share). Enter the resulting Federal share.			$ .00

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SF-424C (Rev. 4/92)
Prescribed by OMB Circular A-102

Instructions for HUD-424C

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, D.C. 20503. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded[assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a.—If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "**Cost Classifications.**"

If this application entails a change to an existing award, enter the eligible amounts **approved under the previous award** for the items under "**Cost Classification.**"

Column b.—If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is **not** allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (–)] to the previously approved costs (from column a.) reflected in this application.

Column c.—This is the net of lines 1 through 16 in columns "a." and "b.".

Line 1—Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2—Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3—Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4—Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5—Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6—Enter estimated engineering inspection costs.

Line 7—Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9—Enter estimated cost of the construction contract.

Line 10—Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11—Enter estimated miscellaneous costs.

Line 12—Total of items 1 through 11.

Line 13—Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14—Enter the total of lines 12 and 13.

Line 15—Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16—Subtract line 15 from line 14.

Item 17—This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

Assurances — Construction Programs

OMB Approval No. 0348-0042

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature X	Date

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handboooks 7417.1, 7475.13, 7485.1, & 7485.3

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urbar Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance): General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date

Signature of Authorized Certifying Official	Title

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Funding Application

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Govenment. The information requested does not lend itself to congidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	☐	☐		
for Section 8 Vouchers?	☐	☐		

A. Area(s) From Which Families To Be Assisted Will Be Drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units. (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	Total Dwelling Units
Certificates								
Vouchers								

C. Average Monthly Adjusted Income. Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	$	$	$	$	$	$	$
Vouchers	$	$	$	$	$	$	$

D. Need for Housing Assistance. Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

E. Housing Quality Standards (HQS). (Check applicable box)

☐ HUD's HQS will be used with no modifications ☐ Attached for HUD approval are HQS acceptability criteria variations

F. New HA Information. Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

Financial and Administrative Capability. Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

Qualification as an HA. Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

Note: If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

G. Certifications. The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

Equal Opportunity Certification

The Housing Agency (HA) certifies that:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).

(4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

(7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.

(8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Housing Agency Signature

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

Client Comments and Suggestions

U.S. Department of Housing and Urban Development

You are our Client! Your comments and suggestions, please!

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development
Office of Grants Management and Compliance
Room 2182
451 7th Street, SW
Washington, DC 20410

Please Provide Comments on HUD's Efforts:

The NOFA (insert title) _____

is: (please check one)

(a) ☐ is clear and easily understandable

(b) ☐ better than before, but still needs improvement (please specify)

(c) other (please specify)

The application form (insert title) _____

is: (please check one)

(a) ☐ is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.

(b) ☐ is simpler and more user-friendly than before, but still needs work (please specify).

(c) other comments (please specify)

Name & Organization (Optional):

Are additional pages attached? ☐ Yes ☐ No

form **HUD-2994** (2/2001)

Grant Applicant's Status as a Religious Organization

U.S. Department of Housing and Urban Development
Office of Administration

OMB Approval No. Pending
(exp. 99/99/9999)

Public reporting burden for this collection is estimatied to averge 0.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the information collection instrument. HUD may not collect this information, and you are not required to complete this form, unless a it displays a currently valid OMB.

The Department of Housing and Urban Development (HUD) requests that you voluntarily provide the following information in order to satisfy the reporting requirements of the President's "Faith-Based Initiative," in accordance with Executive Order is 13198, signed January 29, 2001, and to respond to public inquiries about program benefits.

Collection of this information is not mandatory and your response will not affect in any way the scoring of your submission.

Is the applicant a religious organization — meaning an organization with a religious motivation, character, or purpose — or is it affiliated with or sponsored by a religious organization? (Check one below)

☐ YES
☐ NO

As part of this project, does applicant propose to either partner with, fund or subcontract with another organization which is either a religious organization or which is affiliated with or sponsored by a religious organization?

☐ YES
☐ NO

Name of Applicant Organization:

Title of Program for which Application was submitted:

Date: _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (TA)

HOME TA

McKinney-Vento Homeless Assistance Programs TA

HOPWA TA

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD–TA) PROGRAMS—HOME, MCKINNEY-VENTO ACT HOMELESS ASSISTANCE AND HOPWA

Program Overview

Purpose of the Program. The purposes of the technical assistance programs in this SuperNOFA are:

HOME Technical Assistance. To help HOME participating jurisdictions design and implement HOME programs, including: Improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing; facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs consistent with the purposes of the HOME statute; and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. To provide applicants, potential applicants, grantees, and project sponsors for McKinney-Vento Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

Housing Opportunities for Persons with AIDS (HOPWA). To train HOPWA grantees, project sponsors, and potential recipients of program funds in comprehensive housing strategies and responsive area programs that assist residents who are living with HIV/AIDS; in the sound management of HOPWA programs to support program operations in an efficient and effective manner, including undertaking community consultations, program planning, housing development and operations, program evaluation and reporting on accomplishments; and to build the capacity of nonprofit organizations to carry out activities as HOPWA project sponsors.

Available Funds. Approximately $10 million in FY 2002 funds is available for the three CD–TA programs.

Eligible Applicants. Specific eligibility requirements for the CD–TA programs are found below in Section III(C). Up to twenty five percent of the HOME and McKinney-Vento Act Homeless Assistance technical assistance funds is limited to qualified providers who have not previously received a CPD technical assistance award. This limitation is not applicable to HOPWA technical assistance.

Application Deadline. June 7, 2002.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (an original and one copy) on or before June 7, 2002 at the address shown below.

The original application that you submit to Headquarters is considered the official application. Send a copy of your application on or before the application deadline date to the HUD CPD Field Office(s) in which you are seeking to provide services. Only one application per applicant is permitted; however, one application can include as few as one or as many as all three CD–TA programs.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the designated HUD office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, FedEx, DHL and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30 AM and 5:30 Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Addresses for Submitting Applications. HUD Headquarters. Your completed application consists of one original application and one copy. Submit your original application to HUD Headquarters, U.S. Department of Housing and Urban Development, CPD Processing and Control Branch, Room 7251, 451 Seventh Street, SW., Washington, DC 20410.

Copy to Field Office. Send a copy of the application to the appropriate CPD Field Office(s) at the address shown on the list of HUD CPD Field Offices included as Appendix B.

When submitting your application, please refer to the Community Development Technical Assistance Program. Be sure to include your name, mailing address (including zip code), telephone number (including area code), and fax number (including area code).

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to ''Community Development Technical Assistance Programs or CD–TA.'' Please be sure to provide your name, address (including zip code), telephone number (including area code), and fax number (including area code).

For Further Information and Technical Assistance. You may contact the HUD CPD Office serving your area at the telephone number listed in the list of HUD CPD Field Offices included in the application kit, or you may contact Karen E. Daly at 202–708–3176, x5552 in HUD Headquarters. Persons with hearing and speech challenges may access the above number via TTY (text

telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number). Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at www.hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) The amounts allocated for each CD–TA program are as follows:

HOME TA FY 2002 funds: up to$5,000,000

McKinney-Vento Act Homeless Assistance Programs FY 2002 TA funds: up to $3,000,000

HOPWA FY 2002 TA funds: up to $2,000,000

(B) Each HUD/CPD Field Office has been allocated a ''fair-share'' of CD–TA funds for purposes of this competition, except for the HOPWA TA funds which will be awarded only through a national competition (see CD–TA Appendix A for the fair share allocations). The amounts are based on allocations of HOME and McKinney-Vento Act Homeless Assistance formula funds and competitive programs for which Field Offices have management oversight. These amounts are only for guidance purposes for you to develop your program budgets by Field Office jurisdiction and are not the exact amounts to be awarded to you in each area.

HUD will determine the total amount to be awarded to any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, and the scope of the technical assistance to be provided. Additionally, HUD may reduce the amount of funds allocated for Field Office jurisdictions to fund national CD–TA providers and other CD–TA providers for activities which cannot be budgeted or estimated by Field Office jurisdiction. HUD may require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than applied for in order to supplement or strengthen the intermediary network in terms of the location (service area), types and scope of technical assistance proposed.

(C) In order to reach new technical assistance providers in the HOME and McKinney-Vento Act Homeless Assistance program areas up to 25% of the funds in each of these two program areas within a Field Office (or at the national level) will be awarded to applicants who have not previously been funded under a CPD technical assistance competition. Therefore, up to $1.25 million will be awarded to new providers in HOME and $750,000 in McKinney-Vento Act Homeless Assistance. If qualified new applicants are not found in each program area in each Field Office and/or at the national level, the remaining funds will be made available for previously funded providers. The reverse also is true.

(D) To the extent permitted by funding constraints, HUD intends to provide coverage for as full a range as possible, of eligible CD–TA activities of each CD–TA program in each Field Office jurisdiction. To achieve this objective, HUD will fund the highest ranking providers that bring the required expertise in one or more specialized activity areas, and fund portions of providers' proposed programs in which they have the greatest skill and capability for given geographic areas or on a national basis. HUD also may require national, multi-jurisdictional, or other providers to provide coverage to Field Office jurisdictions which cannot otherwise receive cost-effective support from a CD–TA provider. In selecting applicants for funding, in addition to the rating factors, HUD will apply program policy criteria identified in Section V of this CD–TA Program section of SuperNOFA to select a range of providers and activities that would best serve program objectives for each program serviced by the CD–TA funded under this SuperNOFA.

III. Program Description; Program Award Period; Eligible Applicants; Eligible Activities; and Sub-Grants

(A) *Program Description.* Up to $10 million in technical assistance (TA) funds is available from three separate technical assistance programs: HOME TA, McKinney-Vento Act Homeless Assistance TA, and HOPWA TA (collectively ''CD–TA'').

The funding of these three CD–TA programs through a single funding availability announcement will not affect the ability of eligible applicants to seek CD–TA funding. Eligible applicants are able to apply for funding under as few as one, and as many as three, separate CD–TA programs, individually or collectively, singularly or in combination. The specific provisions of the three separate CD–TA programs have not been changed. This Community Development Technical Assistance Programs section of the SuperNOFA reflects the statutory requirements and differences in the three different CD–TA programs.

(B) Program Award Period

(1) Cooperative Agreements will be for a period of up to 36 months. HUD, however, reserves the right to:

(a) Terminate awards in accordance with provisions contained in OMB Circular A–102, and 24 CFR parts 84 and 85 anytime after 12 months;

(b) Withdraw funds from a specific provider, if HUD determines that the urgency of need for the assistance is greater in other Field Office jurisdictions or the need for assistance is not commensurate with the award for assistance;

(c) Extend the performance period of individual awardees up to a total of 12 additional months.

(2) In cases where an applicant selected for funding under this CD–TA program section of the SuperNOFA currently is providing CD technical assistance under an existing CD–TA grant/cooperative agreement, HUD reserves the right to adjust the start date of funding under this program to coincide with the conclusion of the previous award, or to incorporate the remaining activities from the previous award into the new agreement, adjusting the funding levels as necessary.

(C) Eligible Applicants

(1) *General.* The eligible applicants for each of the three CD–TA programs are listed in paragraphs (2), (3), and (4) of this Section (C). This paragraph (1) lists requirements applicable to all applicants.

(a) Many organizations are eligible to apply for more than one CD–TA program and are encouraged to do so to the extent they have the requisite experience, expertise and capability.

(b) All applicant organizations must have demonstrated ability to provide CD–TA in a geographic area larger than a single city or county and must propose to serve an area larger than a single city or county.

(c) An organization may not provide assistance to itself.

(d) A consortium of organizations may apply for one or more CD–TA programs, but HUD will require that one organization be designated as the legal applicant, where legally feasible. Where one organization cannot be so designated for all proposed activities, HUD may execute more than one cooperative agreement with the members of a consortium. However, in general HUD will not award more than

one cooperative agreement per application unless necessary due to legal requirements.

(e) All applicants must meet minimum statutory eligibility requirements for each CD–TA program for which they are chosen in order to be awarded a cooperative agreement. Copies of the Technical Assistance program regulations will be provided with the application kit.

(f) All eligible CD–TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should make use of technical assistance providers located in the Field Office jurisdiction receiving services. This draws upon local expertise and persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed technical assistance services.

(g) All applicants must meet the applicable threshold requirements of Section II(B) of the General Section of the NOFA.

(2) *McKinney-Vento Act Homeless Assistance Programs TA Eligible Applicants.*

(a) States, units of general local government, and public housing authorities.

(b) Public and private non-profit or for-profit groups, including educational institutions and area-wide planning organizations, qualified to provide technical assistance on McKinney-Vento Act Homeless Assistance projects.

(3) *HOME TA Eligible Applicants.* (a) A for-profit or non-profit professional and technical services company or firm that has demonstrated capacity to provide technical assistance services;

(b) A HOME participating jurisdiction (PJ) or agency thereof;

(c) A public purpose organization responsible to the chief elected official of a PJ and established pursuant to State or local legislation;

(d) An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program;

(e) A national or regional non-profit organization that has membership comprised predominantly of entities or officials of entities of PJs or PJs' agencies or established organizations.

(4) *HOPWA TA Eligible Applicants.*

(a) Non-profit organizations; and

(b) States and units of general local government.

(D) *Eligible Activities.* Eligible activities as appropriate for each of the three CD–TA programs are listed below:

(1) *HOME Technical Assistance.* HUD will provide assistance to:

(a) Facilitate the exchange of information that would help participating jurisdictions carry out the purposes of the HOME statute, including information on program design and accessibility, housing finance, land use controls, and building construction techniques;

(b) Improve the ability of States and units of local government to design and implement housing strategies, particularly those States and units of local government that are relatively inexperienced in the development of affordable housing;

(c) Encourage private lenders and for-profit developers of low-income housing to participate in public-private partnerships to achieve the purposes of the HOME statute;

(d) Improve the ability of States and units of local government, community housing development organizations, private lenders, and for-profit developers of low-income housing to incorporate energy efficiency into the planning, design, financing, construction and operation of affordable housing;

(e) Facilitate the establishment and efficient operation of employer-assisted housing programs, through research, technical assistance, and demonstration projects; and

(f) Facilitate the establishment and efficient operation of land bank programs, under which title to vacant and abandoned parcels of real estate located in or causing blighted neighborhoods is cleared for use consistent with the purposes of the HOME statute.

(2) *McKinney-Vento Act Homeless Assistance Programs Technical Assistance.* Funds are available to provide technical assistance to McKinney-Vento Act funded Homeless Assistance projects. Funds may be used to provide technical assistance to prospective applicants, applicants, recipients or other providers (project sponsors) of McKinney-Vento Act funded housing and supportive services for homeless persons. The assistance may include, but is not limited to, written information such as papers, manuals, guides and brochures; person-to-person exchanges; on-site assessments and provision of technical expertise; and training and related costs.

(3) *HOPWA Technical Assistance.* For the purposes of this CD–TA program section of the SuperNOFA, HOPWA technical assistance shall mean the transfer to HOPWA grantees and project sponsors and potential recipients of program funds, the skills and knowledge needed to develop, operate and support HOPWA-eligible projects and activities.

An applicant for HOPWA TA funds must propose activities on a national basis, a regional basis (e.g. serving a multi-state area) or within a State or community. The application should emphasize how activities will advise and train communities and project sponsors in undertaking program planning, community consultations, housing development and operations, coordination with related health-care and other supportive services, and evaluation and reporting on program performance. The Department has established the following national goal for all HOPWA TA projects:

• *National Goal '' Sustainable and Sound Management of HOPWA Programs and Projects.*

HOPWA TA funds may be used to help to build the capacity of grantees, project sponsors and potential applicants. The national goal is to enhance (1) the organization's ability to use HUD funds in a manner that upholds the public trust in the operation of the program, and (2) the organization's ability to sustain their projects through financial downturns and beyond the term of the grant. Technical assistance providers should plan programs on financial assessments, developing cost-cutting strategies, long range strategic planning, management and operational efficiency, redirecting resources to essential housing programs, how to identify new financial resources, fund-raising strategies and implementing community-wide planning to avoid duplication of service provision. To achieve this goal, HOPWA TA can be used in the following areas:

(a) Management and operations through such activities as:

(i) Advising on management practices to ensure responsive, efficient and cost effective facility and program operations;

(ii) Advising on fiscal management to ensure accountability in the use of funds and in the development of long-term strategies to assure financial viability including strategic planning, merger and acquisition consideration, financial development programs; and

(iii) Assisting projects in using the Department's information technology, financial systems and information management systems.

(b) State, local, and community planning through such activities as:

(i) Advising on the coordination of housing with health-care and other

related supportive services for eligible persons;

(ii) Assisting in developing collaborations with local, State and Federal agencies that administer HIV/AIDS-related programs, including programs funded under the Ryan White CARE Act;

(iii) Creating or linking to existing needs assessments of the area's housing needs of persons living with HIV/AIDS and their families;

(iv) Creating or linking to comprehensive multiple-year HIV/AIDS housing plans that are undertaken in collaboration with local, State and federal programs including the Ryan White CARE Act programs; and

(v) Creating or linking to existing plans that address specialized needs of clients, including assistance for clients with serious mental illness, chronic alcohol and other drug abuse issues, and homelessness.

(c) Program evaluation through such activities as:

(i) Advising on data collection and program evaluation and dissemination of results; and

(ii) Developing and providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices.

HOPWA TA applicants should demonstrate that they will assist in the development of Sustainable and Sound Management of HOPWA Programs by serving grantees who assist underserved populations and presenting a plan that describes an outreach and technical assistance program directed to organizations who serve identified underserved populations. The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, youth, post-incarcerated populations and persons living in rural areas. For the purposes of the HOPWA TA portion of this NOFA, underserved populations are defined as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, youth, post-incarcerated populations, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in your service area. To meet this definition of an underserved population, you must present reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, Consolidated Plan, and Continuum of Care documentation), showing the unmet need in the provision of housing and supportive services for the identified underserved population under Rating Factor 2 (1). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served.

In an effort to meet this continuing need, the highest rated applicants will demonstrate an outreach and assistance program to an identified underserved population as detailed under Rating Factor 3, Soundness of Approach (2) and will support the National HOPWA Goal of Sustainable and Sound Management. Such assistance could include linking HOPWA grantees and project sponsors to other community based organizations that serve an underserved population but have no, or limited, experience with providing housing services. Additionally, HOPWA TA providers could provide assistance to collaborations targeting an underserved population funded under the HOPWA competitive program.

(E) *Sub-Grants Applicants.* Sub-Grant Applications may propose to make sub-grants to achieve the purposes of their proposed CD–TA programs in accordance with program requirements in Section IV of this CD–TA Program section of the SuperNOFA.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA (please especially note a new requirement regarding Conducting Business in Accordance with Core Values and Ethical Standards found in General Section II(B)(2)), applicants are subject to the following requirements:

(A) *Program Requirements for HOME and McKinney-Vento Act Homeless Assistance.*

(1) *Profit/Fee.* No increment above cost, no fee or profit, may be paid to any recipient or subrecipient of an award under this CD–TA Program section of the SuperNOFA.

(2) *Demand/Response Delivery System.*

(a) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of, each HUD Field Office within whose jurisdiction you are operating. When so directed by a Field Office, you will coordinate your activities instead through a lead CD–TA provider or other organization designated by the Field Office.

(b) If selected as the lead CD–TA provider in any Field Office jurisdiction, as an awardee you must coordinate the activities of other CD–TA providers selected under this CD–TA Program section of the SuperNOFA under the direction of the HUD Field Office. Joint activities by CD–TA providers may be required.

(c) Under the demand/response system, CD–TA providers will be required to:

(i) When requested by a Field Office or Government Technical Representative (GTR), market the availability of their services to existing and potential clients to include local jurisdictions in which the assistance will be delivered.

(ii) Respond to requests for assistance from the HUD Field Office(s) with oversight of the geographic service area for which the technical assistance will be delivered, including responding to priorities established by the Field Office in its Grants Management System. HOME PJs, and McKinney-Vento Act Homeless Assistance grantees may request assistance from the CD–TA provider directly, but such requests must be approved by the local HUD Field Office.

(iii) When requested by a Field Office or GTR, conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the planned or expected Consolidated Plan submission to HUD and to other technical assistance providers providing service within the locality.

(iv) Obtain approval for the Technical Assistance Delivery Plan (TADP) from the HUD Field Office(s) with oversight for the area in which service will be provided. (See Section 3 below).

(v) Work cooperatively with other CD–TA providers in their geographic areas to ensure that clients are provided with the full range of CD–TA services needed and available. CD–TA providers are expected to be knowledgeable about the range of services available from other providers, make referrals and arrange visits by other CD–TA providers when appropriate, and carry out CD–TA

activities concurrently when it is cost-effective and in the interests of the client to do so. HUD Field Offices may direct CD–TA providers to conduct joint activities.

(3) *Technical Assistance Delivery Plan (TADP).*

(a) After selection for funding but prior to award, you must develop a TADP for each Field Office jurisdiction or National Program for which you have been selected, in consultation with the Field office and/or GTR.

(b) In developing the TADP, you must follow the Field Office's management plan determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(c) The Field Office management plan should indicate the issues to be addressed by CD–TA, the improved performance expected as a result of CD–TA, and methods for measuring the success of the CD–TA.

(d) The TADP must delineate all the tasks and sub-tasks for each CD program the applicant will undertake in each Field Office jurisdiction. The TADP must show the location of the community/State in which the CD–TA activities will occur, the level of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA and the methodology to be used for measuring the success of the CD–TA. A time schedule for delivery of the activities, budget summary, budget-by-task and staffing plan must be included in the TADP.

(4) *Negotiation.* After all applications have been rated and ranked and a selection has been made, HUD requires that all winners participate in negotiations to determine the specific terms of the TADP and the budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(5) *Forms, Certifications and Assurances.* You must submit with your application the forms, certifications and assurances listed in the General Section of this SuperNOFA.

(6) *Financial Management and Audit Information.* After selection for funding but prior to award, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by 24 CFR part 84 for Institutions of Higher Education and other Non-Profit Institutions, 24 CFR part 85 for States and local governments, or the Federal Acquisition Regulations (for all other applicants). The information should include the name and telephone number of the independent auditor, cognizant Federal auditor, or other audit agency as applicable.

(7) *Training Sessions.* When conducting training sessions as part of its CD–TA activities, CD–TA providers are required to:

(a) Design the course materials as ''step-in'' packages (also called ''train-the trainer'' packages) so that a Field Office or other CD–TA provider may separately give the course on its own;

(b) Arrange for joint delivery of the training with Field Office participation when so requested by the Field Office or by the GTR for national grants; and

(c) When requested by a Field Office and/or GTR, provide for professional videotaping of the workshops/courses and ensure their production in a professional and high-quality manner, suitable for viewing by other CD clients (if this requirement is implemented, additional funds may be requested).

(d) When required by HUD, deliver HUD-approved training courses that have been designed and developed by other HUD contractors or HUD cooperating parties on a ''step-in'' basis for CD–TA clients, and send trainers to HUD-approved Train-the Trainer sessions.

(8) *Reports to Field Offices and/or GTRs.* CD–TA providers will be required to report to the HUD Field Office(s) with oversight of the geographic area(s) in which CD-TA services are provided or to Headquarters GTRs in the case of national providers. At a minimum, this reporting will be on a quarterly basis unless otherwise specified in the approved TADP.

(9) *Active Participation.* HUD Field Offices will be active participants in the delivery of all technical assistance by funded providers throughout the term of the cooperative agreement.

(10) *HOME TA Program Limitations.* Pursuant to section 243(b) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible HOME TA organization, whether as an independent or joint applicant, is limited to not more than 20% of the operating budget of the recipient organization in any one year and is limited to 20% of the funds available under this CD–TA program section of the SuperNOFA.

(11) *HOME National TA Program Guidance.* With the funds designated for a national TA program, HUD intends to fund applications which propose activities to help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs; and/or encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships. Proposals should directly address how the capacity of participating jurisdictions may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on the basic skills and systems needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(12) *Affirmatively Furthering Fair Housing.* Section II(D) of the General Section of the SuperNOFA does not apply to these technical assistance programs.

(B) *Program Requirements for HOPWA Technical Assistance.*

(1) *General Requirements.* The items listed below specify the requirements that apply to the HOPWA TA applications as follows: in Section IV(A), Paragraphs: (1) Profit/Fee; (4) Negotiation, except that the TADP reference will apply to a workplan negotiated between the applicant and the GTR for the HOPWA TA grant in HUD Headquarters; (5) Forms, Certifications and Assurances; (6) Financial Management and Audit Information; (7) Training Sessions; (8) Reports to Field Offices and/or GTRs, except that you must report to the HOPWA Headquarters GTR, at a minimum, on a quarterly basis, unless otherwise specified in an approved HOPWA TA workplan and you will be expected to meet the following performance benchmarks: (i) you are required to begin technical assistance activities within one year of your selection (i.e., one year from the date of the signing of your selection letter by HUD); and (ii) you are requested to provide an initial report to the Field Office and the Headquarters GTR on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(2) *Coordination of HOPWA TA Requests.* Except for national meetings, research, information and other activities that are conducted on a program-wide basis in cooperation with HUD Headquarters, as the grantee of HOPWA TA funds, you must work cooperatively with HUD Field Offices. You must notify the applicable HUD Field Office of the planned activities; must consider the views or recommendations of that office, if any; must follow those recommendations, to the degree practicable; and must report to the applicable Field Office on the accomplishments of this assistance.

V. Application Selection Process

(A) Rating and Ranking

(1) HUD will evaluate applications competitively and rank them against all other applicants that have applied for the same CD–TA program (HOME, McKinney-Vento Act Homeless Assistance) within each Field Office or as a National Provider under HOPWA. There will be separate rankings for each CD–TA program, and you will be ranked only against others that have applied for the same CD–TA program.

(2) Once scores are assigned, all applications will be listed in rank order for each CD–TA program for which they applied by Field Office jurisdiction and/or the HOPWA National Program. In each Field Office jurisdiction or National Program area, all applications for the HOME TA program will be listed in rank order on list, all applications for the McKinney-Vento Act Homeless Assistance TA program will be listed in rank order on another list, and all applications for the HOPWA TA national projects will be ranked separately on a third list. Under this system, a single application from one organization for all CD–TA programs could be assigned different scores and different rankings for each program in different Field Offices.

(3) Applications will be funded in rank order for each CD–TA program by Field Office jurisdiction, except for HOPWA TA national providers and others which cannot be ranked by Field Office jurisdiction. National providers and others will be ranked separately and funded in rank order for each CD–TA program. Irrespective of final scores, HUD may apply program policy criteria to select one applicant in each of the two HOME and McKinney-Vento Act Homeless Assistance) CD–TA programs in each Field Office or nationally, to ensure diversity of methods, approaches, or kinds of projects. HUD will apply these program policy criteria to provide coverage of CD–TA services for minorities; women, particularly women in the homebuilding professions under section 233(b)(7) of the Cranston-Gonzalez National Affordable Housing Act; persons with disabilities; homeless; persons with special needs; and rural areas.

(4) In addition to the authority in the General Section to adjust funding, HUD reserves the right to adjust funding levels for each applicant for each CD–TA program, as follows:

(a) Adjust funding levels for any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, funds available on a national basis for providers that will be operating nationally, or the scope of the technical assistance to be provided;

(b) To negotiate increased grant awards with applicants approved for funding if HUD requests them to offer coverage to geographic areas for which they did not apply or budget, or if HUD receives an insufficient amount of applications.

(5) If funds remain after all selections have been made, remaining funds may be:

(a) Distributed among all HUD Field Offices (in proportion to their fair-share awards) and/or the National Program, or

(b) Made available for other CD–TA program competitions.

(6) If you apply for HOPWA TA funds, you must propose activities that will be carried out on a national, regional, State or community basis. The Department reserves the right to adjust the amount of requested funds that are awarded to correspond with the size of the intended service area in comparison to the planned national scope of activities to ensure the best use of these limited resources. Additionally, HUD may also modify the service area of a selected application, if practicable.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors and maximum points for each factor are provided below. The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an applicant to be considered in funding range is 70, with a minimum of 15 points in Factor 1. The CD–TA program is not an eligible program for bonus points, as described in Section III(C)(1)–(3) of the General Section of the SuperNOFA.

Rating of the ''applicant'' or the ''applicant's organization and staff'', unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

When addressing the Factors for Award, you should discuss the specific TA projects, activities, tasks, etc. that you suggest be carried out during the term of the cooperative agreement. See Sections IV(A)(2) and (3) of this CD–TA program section for a discussion of the extent to which such activities may be revised at or after the time of award. In responding to the Factors, you should be specific about the type of experience, knowledge, skills and abilities your organization, your staff, and any subcontractors firmly committed to the project have with the CD–TA programs and you should provide relevant examples to support your application. You should also be specific when detailing the communities, populations (HOPWA only) and/or organizations which you propose to serve, especially in response to Factor 3, Subfactor 2 and in detailing the dollar amounts you have leveraged in Factor 4.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 points) (Minimum for Funding Eligibility 15 points)

In rating this factor, HUD will consider the extent to which the application demonstrates in relation to CD–TA program funding that is requested:

(1) (10 points) Recent, relevant and successful experience of your organization and staff in providing technical assistance in all eligible activities and to all eligible entities for the CD–TA program(s) applied for, as described in the regulations;

(2) (8 points) The relevant experience, competence, knowledge, skills, and abilities of your key personnel in managing complex, multi-faceted or multi-disciplinary programs that require coordination with other CD–TA entities or multiple, diverse units in an organization;

(3) (7 points) You have sufficient personnel or access to qualified experts or professionals with the knowledge, skills, and abilities to deliver the proposed level of technical assistance in each proposed service area in a timely and effective fashion.

Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Groups/Localities and Accomplishing Project Objectives for Each CD–TA Program for which Funds Are Requested (20 Points)

In rating this factor, HUD will consider the extent to which your application:

(1) (8 points) Identifies high priority needs and issues for the CD program in

each community or Field Office jurisdiction for which CD–TA funding is requested, or on a national or regional basis for national HOPWA grants;

(2) (7 points) Outlines a clear and cost-effective plan of suggested TA activities for addressing those needs and aiding a broad diversity of eligible grantees and/or beneficiaries, including those which traditionally have been under-served; and

(3) (5 points) Identifies creative activities to assist eligible grantees in participating in the development of, and improving, local Consolidated Plans and comprehensive strategies.

Rating Factor 3: Soundness of Approach (35 Points)

In rating this factor, HUD will consider the extent to which your application evidences a sound approach in addressing identified needs and:

(1) (13 points) Provides a cost effective plan for designing, organizing, managing and carrying out the suggested technical assistance activities within the framework of the Demand/Response System or, for HOPWA TA applicants, in addressing the HOPWA TA goal.

(2) (12 points) Demonstrates an effective outreach and assistance program to specifically identified disadvantaged communities, populations (HOPWA only) and/or organizations which previously have been underserved and have the potential to participate in CPD programs.

(3) (5 points) Provides for full geographic coverage, including urban and rural areas, (directly or through a consortium of providers) of a single State or Field Office jurisdiction or is targeted to address the needs of rural areas, minority groups or other under-served groups or for HOPWA TA applicants, addresses other approaches that respond to identified needs.

(4) (5 points) Proposes a feasible, creative plan, which uses state of the art or new promising technology, to transfer models and lessons learned in each of its CD–TA program's activities to grantees and/or program beneficiaries in other CD–TA programs.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider: The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of the proposed program activities.

Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with the applicant. You also may partner with other program funding recipients to coordinate the use of resources in the target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program and preferably be submitted on the organization's letterhead. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process and Continuum of Care homeless assistance strategy, and are working towards addressing a need identified in your application as high priority in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to work with recipients of technical assistance services to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

(C) *Applicant Debriefing.* As described in the General Section, Introduction to the FY 2002 SuperNOFA, applicant debriefings will be conducted beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**. Refer to the General Section for details.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances listed in Section II(H) of the General Section of the SuperNOFA (collectively referred to as the ''standard forms''), your application must, at a minimum, contain the following items (except that the following paragraphs (C), (D), and (E), do not apply to HOPWA TA applicants). The standard forms can be found in Appendix B to the General Section of the SuperNOFA.

(A) Transmittal Letter which identifies the SuperNOFA, the CD–TA programs for which funds are requested and the dollar amount requested for each program, and the applicant or applicants submitting the application. If your organization has never received a CPD technical assistance award, please include a statement to this effect in the transmittal letter. Additionally, HOPWA TA applicants are requested to submit a two-page executive summary outlining the key elements of the proposed TA activities.

(B) Narrative statement addressing the Factors for Award described in Section V(B) of this CD–TA Program section of this SuperNOFA. You should number the narrative response in accordance with each factor for award. This narrative statement will be the basis for evaluating your application. It should include a plan of suggested TA activities as described in Factors 2, 3, and elsewhere. These suggested TA activities may form a starting point for negotiating the TADP described in Section IV(A)(3) of this CD–TA Program section of the SuperNOFA. However, they are used primarily for purposes of rating and evaluation and may be substantially altered and revised during negotiations with the Field Offices on the content of the TADPs (see Section

IV(A)(3)) or Headquarters program office for national projects.

(C) Statement that identifies the Field Office jurisdictions in which you propose to offer services. If you will not offer services throughout the full jurisdictional area of the Field Office, your statement should identify the service areas involved (e.g., States, counties, etc.), as well as the communities in which you propose to offer services.

(D) A matrix that summarizes the amount of funds you are requesting for each CD–TA program in each Field Office jurisdiction. (See the CD–TA application kit for a copy of the matrix to be submitted.)

(E) A statement as to whether you propose to be considered for the role of lead CD–TA provider in one or more specific program areas in a Field Office jurisdiction, and if so, your organization's capabilities and attributes that qualify you for the role.

(F) Budget Summary identifying costs for implementing the plan of suggested TA activities by cost category for each CD–TA program for which funds are requested by Field Office or as a National Provider (in accordance with the following):

(1) Direct Labor by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(2) Fringe Benefits by staff position identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(3) Material Costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material costs;

(4) Transportation Costs, as applicable.

(5) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(6) Consultant Costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(7) Subcontract Costs, if applicable. Indicate each individual subcontract and amount;

(8) Other Direct Costs listed by item, quantity, unit cost, total for each item listed, and total other direct costs for the award;

(9) Indirect Costs should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each CD–TA program area. The grand total of all CD–TA program funds requested should reflect the grand total of all funds for which application is made.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and 58.34(a)(9), the assistance provided by these programs relates only to the provision of technical assistance and is categorically excluded from the requirements of the National Environmental Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

IX. Authority

HOME Technical Assistance. The HOME Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92.

McKinney-Vento Act Homeless Assistance Programs Technical Assistance. The Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140. The Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs are authorized by the FY 2002 HUD Appropriations Act.

HOPWA Technical Assistance. The HOPWA Technical Assistance program is authorized under the FY 2002 HUD Appropriations Act. The HOPWA program is authorized under the AIDS Housing Opportunities Act (42 U.S.C. 12901) and the HOPWA regulations are found at 24 CFR part 574.

APPENDIX A TO CD–TA PROGRAM: ''FAIR-SHARE'' AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Alabama State Office	50,000	40,000	
Alaska State Office	50,000	40,000	
Arkansas State Office	50,000	40,000	
California State Office	257,900	242,000	
Los Angeles Area Office	224,100	255,000	
Caribbean Office	61,400	40,000	
Colorado State Office	92,100	40,000	
Connecticut State Office	50,000	40,000	
District of Columbia Office	50,000	83,000	
Florida State Office	50,000	70,000	
Jacksonville Area Office	79,800	49,000	
Georgia State Office	76,800	40,000	
Hawaii State Office	50,000	40,000	
Illinois State Office	156,600	145,000	
Indiana State Office	61,400	40,000	
Kansas/Missouri State Office	64,500	40,000	
St. Louis Area Office	50,000	40,000	
Kentucky State Office	50,000	40,000	
Louisiana State Office	64,500	40,000	
Maryland State Office	50,000	40,000	
Massachusetts State Office	132,100	182,000	
Michigan State Office	119,800	138,000	
Minnesota State Office	50,000	52,000	

APPENDIX A TO CD–TA PROGRAM: ''FAIR-SHARE'' AMOUNTS ALLOCATED TO EACH HUD CPD OFFICE—Continued

HUD CPD field office	HOME TA	McKinney-Vento Act homeless assistance TA	HOPWA TA
Mississippi State Office	50,000	40,000	.....
Nebraska State Office	50,000	40,000	.....
New Jersey State Office	92,100	52,000	.....
New Mexico State Office	50,000	40,000	.....
New York State Office	267,200	239,000	.....
Buffalo Area Office	55,300	57,000	.....
North Carolina State Office	67,600	40,000	.....
Ohio State Office	144,300	104,000	.....
Oklahoma State Office	50,000	40,000	.....
Oregon State Office	55,300	40,000	.....
Pennsylvania State Office	122,800	106,000	.....
Pittsburgh Area Office	61,400	57,000	.....
South Carolina State Office	50,000	40,000	.....
Tennessee Knoxville Area Office	61,400	40,000	.....
Texas State Office	156,600	88,000	.....
San Antonio Area Office	50,000	40,000	.....
Virginia State Office	55,300	40,000	.....
Washington State Office	58,300	67,000	.....
Wisconsin State Office	61,400	54,000	.....
National Total	1,500,000	.....	2,000,000

Appendix B to CD–TA Program—List of HUD CPD Field Offices

Alabama

Alabama State Office, Medical Forum Building, 950 22nd Street North, Suite 900, Birmingham, AL 35203, CPD Telephone Number 205–631–2630, ext 1051, TTY Number: 205–731–2624, Local Hours of Operation: 8 am–4:30 pm

Alaska

Alaska State Office, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, AK 99508–4399, CPD Telephone Number: 907–271–3669, TTY Number: 907–271–4328, Local Hours of Operation: 8 am–4:30 pm

Arizona

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

Arkansas

Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, CPD Telephone Number: 501–324–6375, TTY Number: 501–324–5931, Local Hours of Operation: 8 am–4:30 pm

California

Northern—California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

Southern—Los Angeles Area Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017, CPD Telephone Number: 213–894–8000, TTY Number: 213–894–8133, Local Hours of Operation: 8 am–4:30 pm

Caribbean

Caribbean Office, 171 Carlos E. Chardon Avenue, Suite 301, San Juan, PR 00918–0903, CPD Telephone Number: 787–766–5400, TTY Number 787–766–5909, Local Hours of Operation: 8 am–4:30 pm

Colorado

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Connecticut

Connecticut State Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, CPD Telephone Number: 860–240–4800, TTY Number: 860–240–4665, Local Hours of Operation: 8 am–4:30 pm

Delaware

Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, CPD Telephone Number: 215–656–0624, TTY Number: 215–656–3452, Local Hours of Operation: 8 am–4:30 pm

District of Columbia

District of Columbia Office, 820 First Street, NE., Suite 450, Washington, DC 20002, CPD Telephone Number: 202–275–0994, TTY Number: 202–275–0772, Local Hours of Operation: 8 am–4:30 pm

Florida

Southern—Florida State Office, 909 Southeast First Avenue, Room 500, Miami, FL 33131, CPD Telephone Number: 305–536–4431, TTY Number: 305–536–4743, Local Hours of Operation: 8:30 am–5 pm

Northern—Jacksonville Area Office, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, CPD Telephone Number: 904–232–1777, TTY Number: 904–232–2631, Local Hours of Operation: 8 am–4:30 pm

Georgia

Georgia State Office, Five Points Plaza Building, 40 Marietta Street, Atlanta, GA 30303–2806, CPD Telephone Number: 404–331–5001, TTY Number: 404–730–2654, Local Hours of Operation: 8 am–4:30 pm

Hawaii

Hawaii State Office, Seven Waterfront Plaza, 500 Ala Moana Boulevard, Suite 3A, Honolulu, HI 96813–4918, CPD Telephone Number: 808–522–8180, TTY Number: 808–522–8193, Local Hours of Operation: 8 am–4 pm

Idaho

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, CPD Telephone Number: 503–326–7018, TTY Number: 503–326–3656, Local Hours of Operation: 8 am–4:30 pm

Illinois

Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, CPD Telephone Number: 312–353–1696, TTY Number: 312–353–5944, Local Hours of Operation: 8:15 am–4:45 pm

Indiana

Indiana State Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, CPD Telephone Number: 317–226–6790, TTY Number: 317–226–7081, Local Hours of Operation: 8 am–4:45 pm

Iowa

Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, CPD Telephone Number:

402–492–3181, TTY Number: 402–492–3183, Local Hours of Operation: 8 am–4:30 pm

Kansas

Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, CPD Telephone Number: 913–551–5485, TTY Number: 913–551–6972, Local Hours of Operation: 8 am–4:30 pm

Kentucky

Kentucky State Office, 601 West Broadway, Post Office Box 1044, Louisville, KY 40201–1044, CPD Telephone Number: 502–582–6163, TTY Number: 1–800–648–6056, Local Hours of Operation: 8 am–4:45 pm

Louisiana

Louisiana State Office, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, CPD Telephone Number: 504–589–7212, TTY Number: 504–589–7279, Local Hours of Operation: 8 am–4:30 pm

Maine

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Maryland

Maryland State Office, City Crescent Building, 10 South Howard Street, Fifth Floor, Baltimore, MD 21201–2505, CPD Telephone Number: 410–962–2520, TTY Number: 410–962–0106, Local Hours of Operation: 8 am–4:30 pm

Massachusetts

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Michigan

Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, CPD Telephone Number: 313–226–7188, TTY Number: 313–226–6899, Local Hours of Operation: 8 am–4:30 pm

Minnesota

Minnesota State Office, 220 Second Street, South, Minneapolis, MN 55401–2195, CPD Telephone Number: 612–370–3019, TTY Number: 612–370–3186, Local Hours of Operation: 8 am–4:30 pm

Mississippi

Mississippi State Office, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, CPD Telephone Number: 601–965–4700, TTY Number: 601–965–4171, Local Hours of Operation: 8 am–4:45 pm

Missouri

Eastern—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, CPD Telephone Number: 314–539–6524, TTY Number: 314–539–6331, Local Hours of Operation: 8 am–4:30 pm

Western—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, CPD Telephone Number: 913–551–5485, TTY Number: 913–551–6972, Local Hours of Operation: 8 am–4:30 pm

Montana

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Nebraska

Nebraska State Office, Executive Tower Centre 10909 Mill Valley Road, Omaha, NE 68154–3955, CPD Telephone Number: 402–492–3181, TTY Number: 402–492–3183, Local Hours of Operation: 8 am–4:30 pm

Nevada

California State Office, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, CPD Telephone Number: 415–436–6597, TTY Number: 415–436–6594, Local Hours of Operation: 8:15 am–4:45 pm

New Hampshire

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

New Jersey

New Jersey State Office, One Newark Center, 13th Floor, Newark, NJ 07102–5260, CPD Telephone Number: 973–622–7900, TTY Number: 973–645–3298, Local Hours of Operation: 8 am–4:30 pm

New Mexico

New Mexico State Office, 625 Silver Avenue S.W., Suite 100, Albuquerque, NM 87102–3185, CPD Telephone Number: 505–346–7271, TTY Number: (TTY Relay Operator): 1–800–877–8339, Local Hours of Operation: 8 am–5 pm

New York

Downstate—New York State Office, 26 Federal Plaza, New York, NY 10278–0068, CPD Telephone Number: 212–264–8000, ext. 3401, TTY Number: 212–264–0927, Local Hours of Operation: 8 am–4:30 pm

Upstate—Buffalo Area Office, Lafayette Court, 465 Main Street, Fifth Floor, Buffalo, NY 14203–1780, CPD Telephone Number: 716–551–5755, TTY Number: 716–551–5787, Local Hours of Operation: 8 am–4:30 pm

North Carolina

North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, CPD Telephone Number: 336–547–4005, TTY Number: 336–547–4055, Local Hours of Operation: 8 am–4:45 pm

North Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Ohio

Ohio State Office, 200 North High Street, Columbus, OH 43215–2499, CPD Telephone Number: 614–469–5737, TTY Number: 614–469–6694, Local Hours of Operation: 8 am–4:45 pm

Oklahoma

Oklahoma State Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, CPD Telephone Number: 405–553–7569, TTY Number: (TTY Relay Operator): 1–800–877–8339, Local Hours of Operation: 8 am–4:30 pm

Oregon

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, CPD Telephone Number: 503–326–7018, TTY Number: 503–326–3656, Local Hours of Operation: 8 am–4:30 pm

Pennsylvania

Eastern—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, CPD Telephone Number: 215–656–0624, TTY Number: 215–656–3452, Local Hours of Operation: 8 am–4:30 pm

Western—Pittsburgh Area Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, CPD Telephone Number: 412–644–2999, TTY Number: 412–644–5747, Local Hours of Operation: 8 am–4:30 pm

Rhode Island

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

South Carolina

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, CPD Telephone Number: 803–765–5564, TTY Number: 803–253–3071, Local Hours of Operation: 8 am–4:45 pm

South Dakota

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Tennessee

Knoxville Area Office, John J. Duncan Federal Building, 710 Locust Street SW, Third Floor, Knoxville, TN 37902–2526, CPD Telephone Number: 423–545–4391, TTY Number: 423–545–4559, Local Hours of Operation: 7:30 am–4:15 pm

Texas

Northern—Texas State Office, 801 Cherry Street, Post Office Box 2905, Fort Worth,

TX 76102, CPD Telephone Number: 817–978–5933, TTY Number: 817–978–9273, Local Hours of Operation: 8 am–4:30 pm

Southern—San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, CPD Telephone Number: 210–475–6820, TTY Number: 210–475–6885, Local Hours of Operation: 8 am–4:30 pm

Utah

Colorado State Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, CPD Telephone Number: 303–672–5414, TTY Number: 303–672–5248, Local Hours of Operation: 8 am–4:30 pm

Vermont

Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 531, Boston, MA 02122, CPD Telephone Number: 617–994–8350, TTY Number: 617–565–5453, Local Hours of Operation: 8:30 am–5 pm

Virginia

Virginia State Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, CPD Telephone Number: 804–278–4500, TTY Number: 804–278–4501, Local Hours of Operation: 8 am–4:30 pm

Washington

Washington State Office, Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104–1000, CPD Telephone Number: 206–220–5150, TTY Number: 206–220–5185, Local Hours of Operation: 8 am–4:30 pm

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

Program Overview

(A) Authority

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the regulations in 24 CFR part 1003.

(B) Purpose of the Program

The purpose of the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes as defined in 24 CFR 1003.4.

(C) Available Funds

The FY 2002 appropriation for the ICDBG Program is $70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

(D) Eligible Applicants

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.

(E) Application Deadline

June 6, 2002.

(F) Match

None.

(G) Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

Please note: when used in this NOFA the word ''tribe'' means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, ANCSA Village Corporations, and ANCSA Regional Corporations.

I. Application Due Date, Addresses for Submission, Tips for Application Preparation, Application Kits, Further Information, and Technical Assistance

(A) Application Due Date

Your completed application (one original and two copies) must be postmarked on or before 12:00 midnight, on June 6, 2002 and be received by the designated Area Office of Native American Programs (ONAP) on or within 15 days of the application due date.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the United States Postal Service. Hand carried applications will not be accepted.

(B) Addresses for Submitting Applications to the Appropriate Area ONAP

Submit original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list of jurisdictions is given below. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the *United States Postal Service.*

If you are applying from this geographic location then * * *	send your application to this Area ONAP:
All States East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–3202, Telephone: (405) 553–7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Interstate Tower North, 633 17th Street, Denver, CO 80202–3607, Telephone: (303) 672–5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004–2361, Telephone: (602) 379–3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102–3368, Telephone: (505) 346–6923.
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399, (907) 271–4603.

(C) General Tips for ICDBG Application Preparation

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, please indicate on the first page of each project submission, the type of project(s) being proposed: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements. This will help to ensure that the appropriate project specific thresholds and rating sub-factors will be applied.

In addition, please use separate tabs for each rating factor and rating sub-factor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. Limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing survey data, etc., that support the response. Include all relevant material to a response under the same tab. Only include that documentation that will clearly and concisely support your response to the rating criteria.

HUD suggests that you do a preliminary rating for your project, providing a score according to the NOFA point system. This will help to show you how your project might be scored by reviewers. Also, it will help to show you where the strengths and weaknesses of the application are

located. This will help you determine where improvements can be made to your application prior to its submission.

(D) Application Kits

For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800–HUD–8929 or the appropriate Area ONAP for your jurisdiction as listed above. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants.* When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

(E) Further Information

You should direct general program questions to the Area ONAP serving your area or to Jackie Kruszek, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202; telephone (800) 561–5913. Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free.

(F) Technical Assistance

Before the application due date, we will be available to provide you with general guidance and technical assistance. We, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, we are available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition but will not affect the rating or ranking of your application.

Amount Allocated

(A) Available Funds

The FY 2002 appropriation for the ICDBG Program is $70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

(B) General

Title I of the Housing and Community Development Act of 1974 which authorizes CDBG requires grants for Indian tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

(C) Allocations

The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of $70,000,000 less $2,000,000 retained to fund Imminent Threat Grants, the allocations for FY 2002 are as follows:

Eastern/Woodland	$ 5,905,403
Southern Plains	12,608,675
Northern Plains	10,791,499
Southwest	27,710,487
Northwest	4,741,105
Alaska	6,242,832
Total	68,000,000

(D) Imminent Threats

The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain $2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 2002 is $350,000. We established this ceiling pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR part 1003, subpart E) by the deadline established in this NOFA. The deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, Single purpose grants.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must contain: Standard Form 424, Application for Federal Assistance; a brief description of the proposed project; Form HUD–4123, Cost Summary; Form HUD–4125, Implementation Schedule; Form HUD–2880, Applicant/Recipient Disclosure/Update Report; and, Form HUD–50070, Certification for a Drug-Free Workplace.

III. Program Description; Eligible Applicants; Eligible Activities; and Definitions

(A) Program Description

The purpose of the ICDBG Program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes.

(B) Eligible Applicants

To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under title I of the Indian Self-Determination and Education Assistance Act. A determination of such eligibility must be made by the Bureau of Indian Affairs or the Indian Health Service, as appropriate. This determination must be provided to the ONAPs by the application submission date.

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

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On March 13, 2000 (65 FR 13298), the Bureau of Indian Affairs published a

Federal Register notice entitled ''Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs.'' This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (See 24 CFR 1003.5 for a complete description of eligible applicants.)

(C) Eligible Activities

Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to section 105 of the CDBG statute by section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. The rating factors included under V (J) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and micro-enterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. For a complete description of eligible activities, please refer to 24 CFR Part 1003 Subpart C.

(1) *Acquisition of property.* This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements or Economic Development depending on the purpose of the land acquisition to support new construction.

(2) *Assistance to Institutions of Higher Learning.* If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

(3) *Assistance to Community Based Development Organizations (CBDO's).* Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

(4) *Clearance, Demolition.* These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements or Land to Support New Housing.

(5) *Code Enforcement.* This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. HUD approval is required prior to demolition of any assisted housing.

(6) *Comprehensive Planning.* This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

(7) *Energy Efficiency.* Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

(8) *Lead Based Paint Abatement and Evaluation.* These activities can be proposed under Housing Rehabilitation.

(9) *Non-Federal Share.* ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, Subpart C.

(10) *Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements).* These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

(11) *Privately Owned Utilities.* Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

(12) *Removal of Architectural Barriers.* This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

(D) Definitions

(1) *Adopt.* To approve by formal tribal resolution.

(2) *Assure.* To comply with a specific NOFA requirement. As an applicant, you must state your compliance or your intent to comply in your application.

(3) *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement.

(4) *Entity Other than Tribe.* A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition to support new housing. Entities other than the tribe must have the following characteristics: must be legally distinct from the tribal government; their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; claims against such entities cannot be made against the tribal government; and, must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

Entities other than the tribe may be completely external to the tribe, e.g., a Federal agency, or may be an entity formed or chartered under provisions of tribal law, e.g., a tribally chartered non-profit or for-profit corporation, tribal utility authority, or tribal political subdivision. For example, a housing office that is operated as a department of the tribe would be considered the tribe. However, a housing office that is operated as a tribally designated housing entity (TDHE) would be considered an entity other than the tribe.

(5) *Homeownership Assistance Programs.* Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); provide up to 50 percent of any downpayment required from a low- and moderate-income homebuyer; or, pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

(6) *Leverage.* Resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

(7) *Microenterprise Programs.* Tribes may apply for assistance to operate programs to fund the development, expansion and stabilization of microenterprises. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

(8) *Operations and Maintenance (O&M) for Public Facilities and Improvements.* While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a O&M plan (tribe assumes responsibility) or letter of commitment (entity other than tribe will assume these responsibilities). These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and, security (may not be applicable to many types of infrastructure projects such as roads).

Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, as defined, these O&M costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility.

(9) *Project Cost.* The total cost to implement the project. Project cost includes both ICDBG and non-ICDBG funds and resources.

(10) *Standard Housing/Standard Condition.* Housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher Program) unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 HQS. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for a safe house, in physically sound condition with all systems performing their intended design functions; a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and, an adequate space and privacy for all intended household members.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following requirements:

(A) Program Requirements Applying to All Projects

(1) *Grant Ceilings.* The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2002 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands	ALL	$500,000
Southern Plains	ALL	750,000
Northern Plains	ALL	800,000
Southwest	50,001+	5,000,000
	10,501–50,000	2,500,000
	7,501–10,500	2,000,000
	6,001–7,500	1,000,000
	1,501–6,000	750,000
	0–1,500	550,000
Northwest	ALL	500,000
Alaska	ALL	500,000

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must approve any corrections or revisions to Native American population data before you submit your application.

(2) *Environmental Requirements.* As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58. Grantees may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

(3) *Indian Preference.* HUD has determined that the ICDBG program is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for

implementing this section are in 24 CFR 1003.510.

(4) *Anti-discrimination Provisions.* Under the authority of section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in section 109 (HUD's regulations for section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

(5) *Conflict of Interest.* In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

(6) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 requirements apply to the ICDBG Program, but as stated in 24 CFR 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

(B) Program Requirements Applying to Specific Projects

(1) *Low and Moderate Income Status for Rehabilitation Projects.*

All households that receive grant assistance under a housing rehabilitation project will be of low- and moderate-income status.

(2) *Housing Rehabilitation Cost Limits.*

Grant funds spent on rehabilitation per house must fall within the following limits for each Area ONAP jurisdiction:

(i) Eastern/Woodlands	$35,000
(ii) Southern Plains	20,000
(iii) Northern Plains	35,000
(iv) Southwest	40,000
(v) Northwest	40,000
(vi) Alaska	55,000

(3) *Commitment to Housing for Land Acquisition to Support New Housing Projects.* For land acquisition to support new housing projects, your application must include evidence of a financial commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or, documentation that these units are specifically identified in the Indian Housing Plan (IHP), (one-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and Table 2, Financial Resources, Part III) submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (aka the Native American Housing Block Grant (NAHBG)) resources. If the IHP for the IHBG (aka NAHBG) Program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(4) *Health Care Facilities.* If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

(C) Inapplicable General Section Program Requirements

Please note that the requirements in the General Section regarding conducting business in accordance with HUD core values and ethical standards do not apply to the ICDBG Program. The provision in II(C) of the General Section giving two bonus points for eligible activities/projects to be located in a RC/EZ/EC does not apply. In addition, the requirements in Section II(D) of the General Section of the SuperNOFA regarding applicability of affirmatively furthering fair housing do not apply. The requirement is inconsistent with section 106(a) of the Housing and Community Development Act of 1974, as amended, which specifically makes inapplicable to the ICDBG program the requirement of section 104(b)(2) that the grantee certify that it will affirmatively further fair housing.

V. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA. Your application must meet all screening for acceptance requirements and all applicant and project specific thresholds listed below. HUD will review each application and assign points in accordance with the selection factors described in this section. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

(A) Screening for Acceptance

ONAPs will screen applications for single purpose grants. The ONAPs will reject an application that fails this screening and will return the application unrated. The ONAPs will accept your application if it meets all the criteria listed below as items (1) through (6):

(1) Your application is received or submitted in accordance with the requirements set forth under Address and Application and Submission Procedures in the General Section of this SuperNOFA;

(2) You are eligible;

(3) The proposed project is eligible;

(4) Your application contains substantially all the components specified in VI of the ICDBG Program Section of this SuperNOFA;

(5) Your application shows that at least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(6) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

(B) Threshold Review

ONAPs will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 24 CFR 1003.302.

(C) Rating

The ONAPs will review and rate each project that meets the acceptance criteria and threshold requirements. The total points for all rating factors is 100. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA. To be considered for funding, your application must receive a minimum of

15 points under rating factor 1 and an application score of 70 out of the possible total of 100.

(D) Public Service Projects

Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public services allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public services allocation renders such a project infeasible, the project will not be funded.

(E) Final Ranking

We will rank all projects against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, ONAPs may approve a grant amount less than the amount requested. In doing so, ONAPs may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the ONAPs determine that there are not enough funds available to fund a project as proposed by the applicant, they may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The ONAPs may select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available.

(F) Tiebreakers

When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the ONAPs will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the ONAPs will use the following factors in the order listed to resolve the tie:

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

(2) The applicant with the fewest active ICDBGs.

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

(G) Pre-award Requirements

If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section V of the General Section of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the ONAPs may determine that you have not met the requirements and may withdraw the grant offer. The ONAPs require you to submit supporting documentation if specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or you have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project. You may not substitute new projects for those originally proposed in your application nor will this information affect your project's rating and ranking. We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

(H) General Threshold Requirement

According to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

(I) Project Specific Threshold Requirements

Please indicate on the first page of each project submission, the type of project(s) (Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements) that is (are) being proposed. This will help to ensure that the appropriate project specific thresholds and rating sub-factor will be applied.

In addition, for definitions of ''assure'' and ''document'', please refer to Section III(D), Definitions of this Program Section of the SuperNOFA.

(1) *Housing Rehabilitation Project Thresholds.*

(a) In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.*

(b) In accordance with 24 CFR 1003.302(a), you must also provide an assurance that project funds will be used to rehabilitate HUD-assisted houses only when the tenant/homebuyer's payments are current or the tenant/homebuyer is current in a repayment agreement except in an emergency situation. Exceptions to this requirement must be approved by the ONAP Administrator on a case-by-case basis.

(2) *Land Acquisition to Support New Housing Project Thresholds.* No project specific thresholds.

(3) *New Housing Construction Project Thresholds.* (a) In accordance with 24 CFR 1003.302, new housing construction can only be implemented through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(b) In accordance with 24 CFR 1003.302, you must also submit with your application a current tribal resolution adopting and identifying construction standards. The construction standards may be a tribal building code or a nationally recognized model code. If it is a tribal code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b). If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c).

(c) In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(i) All households to be assisted under a new housing construction project must be of low or moderate income status;

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

(iii) No other funding sources including an IHBG (aka NAHBG) can meet the needs of the household(s) to be served; and

(iv) The house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, the household is currently in an overcrowded house (more than one household per house), or the household to be assisted has no current residence.

(4) *Homeownership Assistance Project Thresholds.* No project specific thresholds.

(5) *Public Facilities and Improvements Project Thresholds.* No project specific thresholds.

(6) *Economic Development Project Thresholds.* In accordance with 24 CFR 1003.302, for economic development assistance you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

(7) *Microenterprise Program Thresholds.* No project specific threshold.

(J) Factors for Award Used To Evaluate and Rate Applications

The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100, the maximum any project can receive. The following summarizes the points assigned to each rating factor and each rating sub-factor and lists which rating sub-factors apply to which project types. Please use this table to ensure you are addressing the appropriate rating sub-factor for your project.

Rating factor	Rating and sub-factor	Points	Project type
1	Total	30	Minimum of 15 Points Required.
	(1)(a)	10	All Project Types.
	(1)(b)	*5 or 7	All Project Types.
	(1)(c)	*3 or 8	All Project Types.
	(1)(d)	*2 or 5	All Project Types.
	(2)(a)	*2 or 0	All Project Types.
	(2)(b)	*2 or 0	All Project Types.
	(2)(c)	*2 or 0	All Project Types.
	(2)(d)	*2 or 0	All Project Types.
	(2)(e)	*2 or 0	All Project Types.
2	Total	20	All Project Types.
	1	5	All Project Types.
	(2)(a)	15	Public Facilities and Improvements and Economic Development Projects.
	(2)(b)	15	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects.
	(2)(c)	15	Microenterprise Programs.
3	Total	35	
	(1)	19	All Project Types.
	(2)	1	All Project Types.
	(3)	1	All Project Types.
	(4)(a)(i)	15	Public Facilities and Improvements (tribe assumes O&M responsibilities).
	(4)(a)(ii)	15	Public Facilities and Improvements (entity other than tribe assumes O&M responsibilities).
	(4)(b)	15	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.
	(4)(c)	15	Economic Development.
	(4)(d)	15	Microenterprise Programs.
	(4)(e)	15	Land Acquisition to Support New Housing.
4	Total	10	All Project Types.
5	Total	5	All Project Types.
Total possible.		100	Minimum of 70 Points Required.

* The first number listed indicates the maximum number of points available to current ICDBG grantees under this sub-factor. The second number indicates the maximum number of points available to new applicants.

Rating Factor 1: Capacity of the Applicant (30 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. If applicable, past performance in administering previous ICDBG grants will be taken into consideration. Please specifically address the existence or availability of these resources for the *specific type of*

activity for which you are applying. You must receive a minimum of 15 points under this factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor.

(1) Managerial, Technical, and Administrative Capability

(20 points for current ICDBG grantees)
(30 points for new applicants)

Your application must include documentation demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project.

(a) Managerial and Technical Staff

(10 points)

The extent to which your application describes the roles/responsibilities and the knowledge/experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning, managing and implementing projects for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(b) Project Management Plan and Method

(5 points for current ICDBG grantees)
(7 points for new applicants)

The extent to which your project management plan identifies the specific actions that you and your partners contractors and/or sub grantees will take to complete your proposed project on time and within budget. Your management plan must include a description of the management structure for the program and a schedule outlining the estimated completion of all tasks associated with your proposed project.

(c) Financial Management

(3 points for current ICDBG grantees)
(8 points for new applicants)

The extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project. Effective fiscal control will be judged in terms of your financial management and/or internal control policies and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by a tribal resolution adopting such policies and procedures and the adopted resolution is included with your application; how you will apply your financial systems to the specific project for which you are applying; and, the findings of your most recent financial audit or a letter of endorsement from your auditor if the most recently conducted audit report has not been finalized is included with your application.

(d) Procurement and Contract Management

(2 points for current ICDBG grantees)
(5 points for new applicants)

The extent to which your application describes how your procurement and contract administration policies and procedures will facilitate effective procurement and contract control over your proposed project. Effective procurement and contract control will be judged in terms of your procurement and contract administration policy and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by an adopted resolution and included with your application, and how you will apply your procurement and contract systems to the specific project for which you are applying.

(2) Past Performance

(10 points for current ICDBG grantees)
(0 points for new applicants)

Your performance in administering ICDBG grants over the preceding 12-month period on any open ICDBG grant will be evaluated based on the following performance measures.

(a) (2 points for current ICDBG grantees) (0 points for new applicants) You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program.

(b) (2 points for current ICDBG grantees) (0 points for new applicants) You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program.

(c) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted close-out documents to HUD in a timely manner. Close-out documents are required for the ICDBG Program within 90 days of the date it is determined that the criteria for close out at 24 CFR 1003.508 have been met.

(d) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted in a timely fashion annual audits in accordance with the ICDBG Program requirements and OMB Circular A–133 and its compliance supplements.

(e) (2 points for current ICDBG grantees) (0 points for new applicants) You have resolved in a timely fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

(1) (5 points) Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

(2) (15 points) Your project benefits the neediest segment of the population. The criteria for this sub-factor vary according to the type of project for which you are applying. Please note that you may submit data that are unpublished and not generally available in order to meet the requirements of this section. However, to do so, you must submit a demographic data certification along with supporting documentation as described in Section VI (A) and (C)(6) below.

(a) Public Facilities and Improvements and Economic Development Project

The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project.

(15 points) 85 percent or more of the beneficiaries are low or moderate income.

(10 points) At least 75 percent but less than 85 percent of the beneficiaries are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the beneficiaries are low or moderate income.

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

(b) New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects

(15 points) The Indian tribe's IHBG (aka NAHBG) amount was $100,000 or less in IHBG (aka NAHBG) funds.

(10 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $100,000 but at most $300,000 in IHBG (aka NAHBG) funds.

(5 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $300,000 but at most $500,000 in IHBG (aka NAHBG) funds.

(0 points) The Indian tribe's IHBG (aka NAHBG) amount was more than $500,000 in IHBG (aka NAHBG) funds.

(c) Microenterprise Programs

The owner(s) of the microenterprise must be low or moderate income and the majority of the jobs created or retained will be for low- or moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low and moderate income *and:*

(15 points) All employees are low or moderate income.

(10 points) At least 75 percent but less than 100 percent of the employees are low or moderate income.

(5 points) At least 55 percent but less than 75 percent of the employees are low or moderate income.

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

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the quality and anticipated effectiveness of your proposed project in meeting the needs you have identified in Rating Factor 2 and the commitment to sustain your proposed project. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

(1) (14 points) Description of and Rationale for Proposed Project

The extent to which your proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. You must describe the proposed project in detail and indicate why you believe the proposed project will be most effective in addressing the identified need. Appropriate information to address this subfactor includes the size, type and location of the project; rationale for project design; and, anticipated cost savings due to innovative program design and/or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

(2) (5 points) Budget and Cost Estimates

The quality, thoroughness, and reasonableness of the proposed project budget. Cost estimates must be broken down by line item for each proposed activity and documented by outside sources when appropriate.

(3) (1 point) Accessible Design Features

Your application incorporates accessible design features into your proposed project and provides associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA.

(4) (15 points) Commitment to Sustain Activities

Your application demonstrates your commitment to sustain your proposed activities. The criteria for this sub-factor vary according to the type of project for which you are applying.

(a) Public Facilities and Improvement Projects

(i) *If the tribe assumes operation and maintenance responsibilities for public facilities and improvements,* a resolution that both adopts the operation and maintenance plan and commits necessary funds must be included in the application

(15 points) The plan itself is included and addresses maintenance, repairs, insurance, replacement reserves and includes a cost breakdown for annual expenses; for community buildings only, the source of operating funds is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both operating expenses and space needs.

(10 points) A resolution adopting the operation and maintenance plan and committing funds is included; the plan is included and addresses most, but not all above items, but does include a satisfactory cost breakdown; for community buildings only, above service provider commitments (if applicable) as well as the source of operating funds are included. Information provided is sufficient to determine that the project will proceed effectively.

(5 points) A resolution adopting the plan and committing funds, or a plan addressing most of the above items is included. Information provided is sufficient to determine that the project will proceed effectively.

(0 points) None of the above criteria are met.

(ii) *If an entity other than the tribe commits to pay for operation and maintenance for public facilities and improvements,* the application must contain a letter of commitment from the entity that assumes the operation and maintenance responsibilities.

(15 points) Your application contains a letter of commitment from the entity that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, as well as commits the necessary funds to provide for these responsibilities; for community buildings only, the source of funds for program service provision is identified for any recreation, social or other services to be provided by the tribe or other entities and letters of commitment from service providers are included which address both these funds and space needs.

(10 points) Your application contains a letter of commitment identifying maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, but no information committing the necessary funds is included; for community buildings only, the source of funds for program service provision is identified for any applicable services to be provided by the tribe or other entities and letters of commitment from applicable providers are included which address both these funds and space needs.

(5 points) Your application identifies the maintenance provider and, if applicable, responsibilities for operations the entity will assume, but a letter of commitment is not provided; for community buildings only, letters of commitment to provide services are included but no information regarding the provision of these funds or space needs is provided.

(0 points) None of the above criteria are met.

(b) New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects

(15 points) The ongoing maintenance responsibilities are clearly identified for

the tribe and/or the participants, as applicable. All participant maintenance responsibilities are included on a statement to be signed by the participant as a condition of receiving grant assistance and the statement to be used is included in the application.

(10 points) Maintenance responsibilities are identified, but lacking in detail, and the above statement to be signed by the participant is submitted.

(5 points) Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist.

(0 points) None of the above criteria are met.

(c) Economic Development Projects

You must include information or documentation which addresses or provides the following in the application: A description of the organizational system and capacity of the entity that will operate the business; the feasibility and market analysis of the proposed business activity and the financial viability of the project.

Appropriate documents to include in the application to address these items include:

(i) Articles of incorporation, by-laws, resumes of key management positions and board members.

(ii) Business operating plan.

(iii) Market study no more than two years old.

(iv) Feasibility study indicating how the proposed business will capture a fair share of the market.

(v) Detailed cost summary for the development of the project.

(vi) Five year operating or cash flow financial projections.

(vii) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

(15 points) All above documents applicable to the proposed project are included in your application and provide evidence that the project's chance for financial success is excellent.

(8 points) All or most of the above documents applicable to the proposed project are included and provide evidence that the project's chance for financial success is reasonable.

(0 points) Neither of the above criteria is met.

(d) Microenterprise Programs

You must include the following information or documentation in the application that addresses or provides a description of how your microenterprise program will operate. Appropriate information to include in the application to address program operations includes:

(i) Program description. A description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance.

(ii) Processes for selecting applicants. A description of your processes for analyzing microenterprise applicants' business plans, market studies and financial feasibility. For credit programs, you describe your process for determining the loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(15 points) All of the above information or documentation applicable to the proposed project are thoroughly addressed in the application and the chances for success are excellent.

(8 points) All or most of the above information or documentation applicable to the proposed project are addressed in the application and the chances for success are reasonable.

(0 points) Neither of the above criteria is met.

(e) Land Acquisition Projects to Support New Housing

Submissions must include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has suitable soil conditions for housing and related infrastructure, available drinking water, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

(15 points) The submissions include all of the above-mentioned items and all necessary infrastructure is in place.

(8 points) The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase.

(0 points) Neither of the above criteria is met.

Rating Factor 4: Leveraging Resources (10 Points)

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, we will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG resources to project costs	Points
Less than 5 percent	0
At least 5 percent but less than 10 percent	2
At least 10 percent but less than 15 percent	4
At least 15 percent but less than 20 percent	6
At least 20 percent but less than 25 percent	8
25 percent or more	10

Contributions which could be considered as leveraged resources for point award include, but are not limited to: Tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants including IHBG (aka NAHBG) funds; donated goods and services needed for the project; land needed for the project; and, direct administrative costs.

Contributions that will not be considered include, but are not limited to: Indirect administrative costs as identified in OMB Circular A–87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To be considered for point award, letters of firm commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project must accompany the application.

To demonstrate the commitment of tribal resources, the application must contain a council resolution or legal equivalent that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance and favorable outcome of any environmental review required under 24 CFR part 58 for the project. In the case of IHBG (aka NAHBG) funds, whether they are administered by the tribe or a TDHE, an approved IHP must identify and commit the IHBG (aka NAHBG) resources to the project. If the tribe/TDHE intends to include the leveraged commitment in a future IHP, the application must contain a council resolution or legal equivalent that identifies and commits the IHBG (aka

NAHBG) resources to the project subject to the same requirements as above.

To demonstrate the commitment of public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. The commitment must be signed by an official of the organization legally authorize to make commitments on behalf of the organization and must be conditional upon favorable outcome of any environmental review required under 24 CFR part 58 for the project.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs (or time estimates, if appropriate) that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: A site specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or, a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs including assisting beneficiaries and the program to achieve self-sufficiency/sustainability.

(1) (2 points) Your application addresses the extent to which you have coordinated your activities with other organizations that are not directly participating in your proposed work activities (not project partners such as those listed under Rating Factor 4: Leveraging), but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. For example, your project is consistent with and, to the extent possible, identified in the IHP (One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the IHBG (aka NAHBG) Program. If the IHP for the IHBG (aka NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(2) (3 points) Your proposed project will accomplish measurable outcomes such as number of jobs created or obtained; education or job training opportunities provided, increased economic self-sufficiency of recipients of program beneficiaries; increased homeownership rates; and, reduction of drug-related crime or health related hazards.

VI. Application Submission Requirements

(A) Demographic Data

You may submit data that are unpublished and not generally available in order to meet the requirements of this section. You must certify that:

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

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

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

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

(B) Publication of Community Development Statement

You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 1003.604.

(C) Application Submission

Your application must contain the items listed below. You must also include the forms, standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding and can be found in Appendix B to the General Section of the SuperNOFA. Those forms listed in that Appendix that are applicable to this funding are as follows:

(1) Standard Form for Application for Federal Assistance (SF–424)
(2) Federal Assistance Funding Matrix and Certifications (HUD–424M)
(3) Drug-Free Workplace Certification (HUD–50070).
(4) Applicant/Recipient Disclosure/Update Report (HUD–2880).
(5) Certification Regarding Debarment and Suspension (HUD–2992).
(6) Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990), if applicable;
(7) Acknowledgement of Application Receipt (HUD–2993).
(8) Client Comments and Suggestions (HUD–2994), optional.

In addition, if the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf.

The other required items are as follows:

(1) Community Development Statement that includes:

(a) Components that address the general threshold requirement and the relevant project specific thresholds and rating factors;

(b) A schedule for implementing the project (form HUD–4125, Implementation Schedule); and

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

(2) Certifications (form HUD 4126);

(3) A map showing project location, if appropriate;

(4) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(5) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(6) If applicable, the demographic data certification described in Section VI(A) and V(J), Rating Factor 2 of this NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation must

include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

VIII. Applicant Debriefing

Please refer to Section VII (E)(2) of the General Section of this SuperNOFA.

IX. Error and Appeals

Judgments made within the provisions of this NOFA and the program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the ONAPs within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the ONAPs may fund that project in the next funding round without further competition.

Appendix A

The non-standard forms, which follow, are required for your ICDBG application.

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APPENDIX A

Cost Summary

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 5/31/2003)

See Instructions and Public Reporting Statement on back.

1. Name of Applicant (as shown in Item 5, Standard Form 424)

2. Application/Grant Number (to be assigned by HUD upon submission)

3. ☐ Original (check here if this is the first submission to HUD) ☐ Revision (check here if submitted with implementation schedule as part of pre-award requirements) ☐ Amendment (check here if submitted after HUD approval of grant)

Date (mm/dd/yyyy)

4. Project Name & Project Category (see instructions on back) a	Program Funds (in thousands of $) ICDBG Amount Requested for each activity b	Other: Other Source Amount for each activity c	Other: Source of Other Funds for each activity d
	$	$	
5. Administration a. General Management and Oversight			
b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.			
c. Audit: Enter estimated cost of Program share of A-133 audits.			
Administration Total *			
6. **Planning** The Project description must address the proposed use of these funds.			
7. **Technical Assistance** Enter total amount of ICDBG funds requested for technical assistance. **			
8. **Sub Total** Enter totals of columns b. and c.	$	$	
9. **Grand Total** Enter sum of column b. plus column c.			$

* The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

** No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item, a separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 4.
Project Name and Project Type

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.
Examples of categories and/or components including examples of eligible activities are listed below.

Housing

Rehabilitation Component
- Rehabilitation
- Demolition

Land to Support New Housing Component

New Housing Construction Component

Community Facilitites

Infrastructure Component
- Water
- Sewer
- Roads and Streets
- Storm Sewers

Buildings Component
- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

Economic Development
- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development

Implementation Schedule

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 5/31/2003)

See Instructions and Public Reporting Statement on back.
Submit a separate implementation schedule for each project category.

1. Name of Applicant (as shown in Item 5, Standard Form 424)	2. Application/Grant Number (to be assigned by HUD)	3. ☐ Original (First submission to HUD) ☐ Pre-Award Submission ☐ Amendment (submitted after grant approval)	Date (mm/dd/yyyy)

4. Name of Project (as shown on form HUD-4123, Item 4)	5. Effective Date (mm/dd/yyyy)	Expected Completion Date (mm/dd/yyyy)	Expected Closeout Date (mm/dd/yyyy)

6. Environmental Review Status

☐ **Exempt** (As described in 24 CFR 58.34) ☐ **Under Review** (Review underway; findings not yet made) ☐ **Finding of No Significant Impact** (Finding made that request for release of funds for project is not an action which may significantly affect the environment.)

☐ **EIS Required** (Finding that project may significantly affect environment or EIS automatically required by 24 CFR 58.37) ☐ **Not Started** (Review not yet begun) ☐ **Certification** (Environmental review completed; certification and request for release of funds being prepared for submission.) ☐ **Categorically Excluded** (as described in 24 CFR 58.35)

7. Tribal Fiscal Year (mm/dd/yyyy)

8. Task List (List tasks such as environmental assessment, acquisition, etc.)	9. Schedule. Use Calendar Year (CY) quarters. Fill-in the CY below. See detailed instructions on back.								
	CY ____ 1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	5th Qtr.	6th Qtr.	CY ____ 7th Qtr.	8th Qtr.	Date (mm/dd/yyyy) (If exceeds 8th Quarter)
10. **Planned Drawdowns by Quarter** (Enter amounts non-cumulatively)	$	$	$	$	$	$	$	$	$Total
11. **Cumulative Drawdown** (If more than one page, enter total on last page only)	$	$	$	$	$	$	$	$	$Total

Previous editions are obsolete

form HUD-4125 (12/97)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0191), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 9 Schedule: Use Calendar Year (CY) quarters. Fill-in the CY below. If the project begins in May, for example, enter under "1st Qtr.", A(April), M(May), J(June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line from the first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.

Certifications

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191 (exp. 5/31/2003)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

The grantee hereby certifies and assures that it will comply with the regulations, guidelines, and requirements with respect to the acceptance and use of Federal funds for this Federally-assisted program. Also, the grantee gives assurances and certifies with respect to the grant that:

A. It possesses the legal authority to apply for the grant and execute the proposed program.

B. The governing body has duly authorized the filing of the application, including all understandings and assurances contained in the application and has directed and authorized the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

C. It will comply with the HUD general administration requirements in 24 CFR Part 85.

D. It will comply with the requirements of Title II of Public Law 90-284 (25 USC 1301) (the Indian Civil Rights Act).

E. It will comply with the Indian preference provisions required in 24 CFR 1003.510.

F. It will establish written safeguards to prevent employees from using positions funded under the ICDBG programs for a purpose that is, or gives the appearance of being, motivated by private gain for themselves, their immediate family or business associates. Nothing in this certification should be construed as to limit employees from benefiting from program activities for which they would otherwise be eligible.

G. It will give HUD and the Comptroller General access and right to examine all books, records, papers, or documents related to the grant for a period of not less than three years after program completion or until resolution of any final audit findings.

H. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.

I. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of 24 CFR 1003.602.

J. The chief executive officer or other official of the applicant approved by HUD:

1. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605.

2. Is authorized and consents on behalf of the applicant and him/her self to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of incapacity to accept the responsibilities of the Federal government for purposes of complying with the environmental review requirements of 24 CFR part 58 pursuant to 24 CFR 1003.605 need not include the provision of paragraph J in their assurance.

K. It will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 USC. 450e(b)).

L. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub.L. 102-522).

M. It will provide the drug-free workplace required by 24 CFR part 24, subpart F.

N. It will comply with 24 CFR, part 4, subpart A, showing full disclosure of all benefits of the project as collected by Form HUD-2880, Applicant/Recipient Disclosure Report.

O. Prior to submission of its application to HUD, the grantee has met the citizen participation requirements which includes following traditional means of member involvement, as required in 24 CFR 1003.604.

P. It will administer and enforce the labor standard requirements prescribed in 24 CFR 1003.603.

Q. The Program has been developed so that not less than 70 percent of the funds received under this grant will be used for activities that benefit low- and moderate-income persons.

Note: Applicants receiving Imminent Threat Grants need not include the provision of this paragraph in their assurance

Name (type or print)	Title
Signature	Date (mm/dd/yyyy)

Previous editions are obsolete

form HUD-4126 (12/98)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY OUTREACH PARTNERSHIP CENTERS (COPC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY OUTREACH PARTNERSHIP CENTERS PROGRAM (COPC)

PROGRAM OVERVIEW

Purpose of the Program. To provide funds to community colleges, four-year colleges, and universities to establish and operate Community Outreach Partnership Centers (COPCs) to address the problems of urban areas.

Available Funds. Approximately $7.5 million as appropriated in the FY 2002 VA–HUD appropriation act.

Eligible Applicants. Public and private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Application Deadline. June 20, 2002

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002, at HUD Headquarters.

Address for Submitting Applications. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FED EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not serve your area, you should submit your application via the United States Postal Service.

For Application Kits. For an application kit and supplemental material you should call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to COPC and provide your name, address (including zip code), and telephone number (including area code). You may also download the application kit on the Internet through the HUD Web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Armand W. Carriere of HUD's Office of University Partnerships at (202) 708–3061, ext. 3181. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also reach Mr. Carriere via the Internet at Armand_W._Carriere@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

Up to $7.5 million has been allocated to fund grants under the program. This year, HUD will award two kinds of grants—(A) New Grants to applicants who have never received a COPC grant before to undertake eligible work and (B) New Directions Grants to fund previous COPC recipients (as identified in Section III.(B) below) to undertake new directions in their activities. HUD will use up to $6.1 million to fund approximately 16 New Grants and up to $1.4 million to fund approximately 7 New Directions Grants.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The main purpose of this COPC Program is to assist in establishing or carrying out outreach and applied research activities addressing the problems of urban areas. But HUD also looks to the program to encourage structural change, both within an institution of higher education and in the way the institution relates to its neighbors. Funding under this program is used to establish and operate local Community Outreach Partnership Centers (COPC). The five key concepts that your COPC Program should include are:

(1) Outreach, technical assistance, and applied research should be provided to neighborhoods and neighborhood-based organizations based on what the residents decide is needed, rather than what the institution concludes is appropriate for that neighborhood;

(2) Community-based organizations and residents should be empowered by the project and be your partners throughout the life of the project and beyond, from planning to implementation to activities beyond the grant;

(3) Your applied research should be related to the outreach activities and be used to influence your activities within the grant period or shortly after it ends. HUD will not fund research without practical application;

(4) The assistance you provide should be primarily by faculty, students, or to a limited extent, by neighborhood residents or community-based organizations funded by the university; and

(5) Your program should be part of your institution's broader effort to meet its urban mission, and be supported by its senior officials, rather than just the work of a few faculty members. Your proposed activities should not duplicate those of other entities in the community and should be appropriate for an institution of higher education to undertake in light of its teaching, and research, and service missions.

(B) *Eligible Applicants.* Eligible applicants for both New Grants and New Directions Grants are public or private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

For New Grants, only applicants that have never previously received a New Grant, a New Directions Grant, or an Institutionalization Grant are eligible. Institutions that participated in a COPC grant as a member of a consortium of colleges or universities will be eligible to apply for a New Grant if they received 25% or less of the earlier grant. For New Directions Grants, applicants must meet the following requirements: you must have received a New Grant in FY 1994, 1995, 1996, 1997, 1998 or 1999; you must never have received a New Directions Grant; and you must have drawn down (i.e., requests for reimbursement have been processed), by the application due date, at least 75% of the funds you received from any previous COPC award. Joint Community Development Program grantees are not eligible for either kind of funding, nor are FY 2000 and 2001 COPC Grantees.

Consortia of eligible institutions may apply, as long as one institution is designated the lead applicant. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed staffing, and in order to fund as many eligible applicants as possible, HUD has determined that you may be part of only one consortium or submit only one application or the application will be disqualified. HUD will hold you responsible for ensuring that neither you nor any part of your institution, including specific faculty, participate in more than one application. For New Directions Grants, if you originally received funding as a consortium, you are not required to submit again with all the consortium members. Members of a previously approved consortium may submit on their own or as part of their old consortium. However, as with New Grants, only one application from an institution will be permitted.

Different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding. Such campuses are eligible as separate applicants only if they have administrative and budgeting structures independent of other campuses in the system.

(C) *Eligible Activities.* Your COPC Program must combine research with outreach, work with communities and local governments and address the multidimensional problems that beset urban areas. To meet the threshold requirements, your New Grant application must be multifaceted and address three or more urban problems and you must propose at least one distinct activity to address each separate urban problem. Urban problems include issues related to housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, the environment, community organizing, and other areas deemed appropriate by the Secretary. Single purpose applications are not eligible. For example, if you propose to undertake health education for elementary school children, organizing around health issues, and job readiness for the health professions, HUD will deem your application as single purpose, because it really only addresses the problem of health care. Likewise, if you propose to address housing, economic development, and health care problems by developing a Geographic Information System, your application would also be considered single purpose because it does not propose separate and distinct activities for each of the problems you address. As examples of eligible projects, if you propose a health care project for the elderly, a job training program on construction trades for high school seniors, and an affordable housing fair, you would meet the test of addressing three urban problems, each with a separate activity. Alternatively, if you propose a Geographic Information System to identify economic development potential, an oral history of the neighborhood, and the creation of block watches, you would also meet the test. These are just examples. For more information about the projects that have actually been funded under the program, you should look at the Office of University Partnerships' web site at www.oup.org. If you are applying for a New Directions Grant, you will only be required to address two urban problems and undertake at least one activity for each of these problems.

The statute creating COPC is very specific that the programs address the problems of urban areas. HUD uses the Census definition of an urban area: a single geographic place (e.g., a city, town, or village, but not a county) with a population of 2,500 or more. You cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement.

Funded research must have a clear near-term potential for solving specific, significant urban problems. You must have the capacity to apply your research results and to work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to specific real-life urban problems.

While the list of eligible and ineligible activities is the same for both New Grant applicants and New Directions Grant applicants, New Directions Grant applicants must demonstrate that the proposed activities either implement new eligible projects in the current target neighborhood(s) or implement eligible projects in a new target neighborhood(s). New Directions applicants will be required to specifically describe how the activities described in the New Directions application differ from the activities described in the original COPC application.

Eligible activities include:

(1) Research activities that have practical application for solving specific problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities. In order to ensure that the primary focus of your project is on outreach, research may not total more than one-quarter of the total project costs contained in any grant made under this COPC funding announcement (including the required 50% match).

(2) Outreach, technical assistance and information exchange activities which are designed to address specific urban problems in designated communities and neighborhoods. Such activities must total no less than three-quarters of your total project costs (including the required 25% match). Examples of outreach activities include, but are not limited to:

(a) Assistance to communities to improve consolidated housing and community development plans and eliminate impediments to the design and implementation of such plans;

(b) Design of community or metropolitan strategies to resolve urban problems of communities and neighborhoods;

(c) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to assist them in resolving local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(d) Technical assistance in business start-up activities for low- and moderate-income individuals and organizations, including business start-up training and technical expertise and assistance, mentor programs, assistance in developing small loan funds, business incubators, etc;

(e) Technical assistance to local public housing authorities on welfare-to-work initiatives and physical transformations of public or assisted

housing, including development of accessible and visitable housing;

(f) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training;

(g) Assistance to communities to design ways to use HUD's Partnership for Advancing Technology in Housing (PATH) technology such as analyzing building codes and building materials or designing new building systems. (Remember that actual physical development activities are not eligible under COPC.) For more information, see the General Section of the SuperNOFA or visit the website at www.pathnet.org;

(h) Assistance to communities to improve their fair housing planning process; and

(i) Regional projects that maximize the interaction of targeted inner city distressed neighborhoods with suburban job opportunities similar to HUD's Bridges-to-Work or Moving to Opportunity programs. (For more information see www.HUDUSER.org).

(3) Funds for faculty development including paying for course time or summer support to enable faculty members to work on the COPC.

(4) Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while they are working on the COPC.

(5) Activities to carry out the ''Responsibilities'' listed under Section IV (B) below. These activities may include leases for office space in which to house the Community Outreach Partnership Center, under the following conditions:

(a) The lease must be for existing facilities not requiring rehabilitation or construction;

(b) No repairs or renovations of the property may be undertaken with Federal funds; and

(c) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

(6) Components of your program may address metropolitan or regional strategies. You must clearly demonstrate how:

(a) Your strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(b) Neighborhoods and neighborhood organizations are involved in the development and implementation of the metropolitan or regional strategies.

(D) *Ineligible Activities.* Activities ineligible for funding under this program are as follows:

(1) Research activities that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods.

(2) Any type of construction, rehabilitation, or other physical development costs.

(3) Costs used for routine operations and day-to-day administration of institutions of higher education, local governments or neighborhood groups.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Grant Sizes and Terms.* If you are applying for a New Grant, you may not request less than $250,000 or more than $400,000. This amount must be spent over a three-year period, and your budget must reflect this period. Since the Statement of Work (in Section VI.(G)) and the Narrative Statement Addressing the Factors for Award (in Section VI.(H)) are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Grant application that is under $250,000 or over $400,000.

If you are applying for a New Directions Grant, you may not request a grant that exceeds $150,000. This amount must be spent over a two-year period. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Directions application that is over $150,000.

(B) *Responsibilities.* You are required to:

(1) Employ the research and outreach resources of your institution of higher education to solve specific urban problems identified by communities served by your Center;

(2) Establish outreach activities in areas identified in your application as the communities to be served;

(3) Establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

(4) Coordinate outreach activities in communities to be served by your Center;

(5) Facilitate public service projects in the communities served by your Center;

(6) Act as a clearinghouse for dissemination of information;

(7) Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate; and

(8) Exchange information with other Centers.

The clearinghouse function in Section IV(B)(6) above refers to a local or regional clearinghouse for dissemination of information and is separate and distinct from the functions in (8) above, which relate to the provision of information to the University Partnerships Clearinghouse, which is the national clearinghouse for the program.

(C) *Cap on Research Costs.* No more than 25% of your total project costs (Federal share plus match) can be spent on research activities. You are, however, not required to undertake any research as part of your project. You may apply for a project that is totally for outreach activities.

(D) *Match.* The non-Federal share may include cash or the value of non-cash contributions, equipment and other allowable in-kind contributions as detailed in 24 CFR part 84, and in particular § 84.23 entitled ''cost sharing or matching.'' You may not count as match any costs that would be ineligible for funding under the program (e.g., housing rehabilitation).

(1) If you are a New Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 50% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 25% of the total project costs of establishing and operating outreach activities.

(2) If you are a New Directions Grant applicant, you must meet the following match requirements:

(a) *Research Activities.* 60% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities.* 35% of the total project costs of establishing and operating outreach activities.

In previous competitions, some applicants incorrectly based their match calculations on the Federal grant amount, not the total project costs. An example of how you should calculate the match correctly and a worksheet for the calculation are included in the application kit. The worksheet, which is also included in the program area section of the SuperNOFA, should be included with your application.

(E) *Administrative.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations), A–21 (Cost Principles

for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. You may not spend more than 20% of your grant on planning or administrative costs. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http:whitehouse.gov/omb/circulars/index.html.

V. Application Selection Process

There will be two separate competitions—one for New Grants and one for New Directions Grants. For each type of grant, applications will be rated, ranked, and selected separately. Two types of reviews will be conducted: a threshold review to determine your application's eligibility; and a technical review to rate your application based on the rating factors in Section V(A) below.

(A) *Additional Threshold Requirements For Funding Consideration.* Under the threshold review, your application can only be rated if you are both in compliance with the requirements of the General Section of the SuperNOFA and if the following additional standards are met:

(1) You have met the statutory match requirements, if applying for a New Grant or the higher match levels described above, if applying for a New Directions Grant.

(2) You have proposed a program in which at least 75% of the total project costs will be for outreach activities.

(3) For New Grants, you have requested a Federal grant between $250,000 and $400,000. For New Directions Grants, you have requested a Federal grant that is no more than $150,000.

(4) You have addressed at least three urban problems (2 urban problems if you are a New Directions applicant), such as affordable housing, fair housing, economic development, neighborhood revitalization, infrastructure, health care; job training, education, crime prevention, planning, the environment, and community organizing and have proposed at least one separate and distinct activity for each problem you propose to address.

(5) You and any part of your organization are participating in only one application.

(6) Your project will operate in an urban area.

(B) *Factors For Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. Unless otherwise noted, New Grant applications and New Directions Grant applications will receive the same number of points on a given factor.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *For New Grants* (15 points). *For New Direction Grants* (7 points).

(a) The knowledge and experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(i) Undertaking research activities in specific communities that have a clear near-term potential for practical application to significant urban issues, such as affordable housing, fair housing including accessible and visitable housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing;

(ii) Undertaking outreach activities in specific communities to solve or ameliorate significant urban issues;

(iii) Undertaking projects with community-based organizations or local governments; and

(iv) Providing leadership in solving community problems and making national contributions to solving long-term and immediate urban problems.

(b) Past Performance. *For New Directions Grants only* (8 points). The extent to which you performed successfully under your previous COPC grant(s), as measured by:

(i) Your achievement of specific measurable outcome objectives;

(ii) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(iii) The effectiveness of your administration of any previous COPC grants (including the timeliness and completeness of your compliance with COPC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(c) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and your indication of the urgency of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activity and the urgency in meeting the need.

You should use statistics and analyses contained in a data source(s) that is sound and reliable. To the extent that the targeted community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response.

If the proposed activity is not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, and other sound and reliable sources appropriate for your program. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor. The factor will be evaluated based on the extent to which the proposed work plan will:

(1) (10 points). Identify the specific services or activities to be performed. Note that you are not required to undertake research as part of the grant. In reviewing this subfactor, HUD will consider the extent to which:

(a) There is a clear research agenda;

(i) With identifiable research projects and outcomes (e.g., reports, surveys, etc.)

(ii) That identifies each task and who will be responsible for it;

(iii) Which is tied to the outreach agenda (e.g., if you proposed to study the extent of housing abandonment in a neighborhood and then design a plan for reusing this housing, you would be able to demonstrate the link between your proposed research and outreach strategies); and

(iv) Which does not duplicate research by your institution or by others for the target area previously completed or currently underway. If other complimentary research is underway, you need to describe how the proposed research agenda would complement it.

(b) There is a clear outreach agenda:

(i) With identifiable outreach projects;

(ii) That identifies each task and who will be responsible for it;

(iii) That involves your institution as a whole (i.e., many academic disciplines and administrative offices);

(iv) That provides for on-site or frequent presence in the target area; and

(v) That does not duplicate outreach activities by your institution or others for the target area previously completed or currently underway.

(2) (7 points). Involve the communities to be served in a partnership for the planning and implementation of your activities. In reviewing this subfactor, HUD will look at the extent to which:

(a) You have formed or will form one or more Community Advisory Committees, representative of the communities' diversity (including businesses, community groups, residents, and others) to be served to develop and implement strategies to address the needs identified in Factor 2. You will be expected to demonstrate that you have already formed such a committee(s) or secured the commitment of the appropriate persons to serve on the committee(s), rather than just describing generally the types of people whose involvement you will seek.

(b) You have involved a wide range of neighborhood organizations and local government entities in the identification of your research and outreach activities.

(c) The committee and your partners will play an active role in all stages of the project and will not serve as merely advisors or monitors.

(d) Your outreach agenda includes training projects for local community leaders, for example, to increase their capacity to direct their organizations or undertake various kinds of community development projects.

(3) (6 points). Help solve or address an urgent problem as identified in Rating Factor 2 and will achieve the purposes of the program within the grant period. In reviewing this subfactor, HUD will look at the extent to which:

(a) You identify specific time phased and measurable objectives to be accomplished; your proposed short and long term program objectives to be achieved as a result of the proposed activities; the tangible and measurable impacts your work program will have on the community in general and the target area or population in particular including affirmatively furthering fair housing for classes protected under the Fair Housing Act; and the relationship of your proposed activities to other ongoing or proposed efforts to improve the economic, social or living environment in the impact area; and

(b) Grant funds will pay for activities you conduct directly, rather than passing funds through to other entities (In order for your application to be competitive, no more than 25 percent of your grant funds should be passed to other entities); and

(c) The activities you propose to undertake are pressing and urgent needs, as identified in the documents described in Factor 2.

(4) (4 points). Potentially yield innovative strategies or ''best practices'' that can be replicated and disseminated to other organizations, including nonprofit organizations, State and local governments. In reviewing this subfactor, HUD will assess your demonstrated ability to disseminate results of research and outreach activities to other COPCs and communities. HUD will evaluate your past experience and the scope and quality of your plan to disseminate information on COPC results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, publications, etc. The more proactive your plan for providing information to a wide range of audiences, the greater the number of points you will receive.

(5) (5 points) Include activities that affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale of rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fir housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

(6) HUD 2002 Policy Priorities (6 Points)

The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities (described below) will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 6 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA.

(a) Increasing Homeownership Opportunities for Low and Moderate Income persons, Persons with Disabilities and the Elderly, and Minorities and families where English may be a second language.

(b) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(c) Encouraging Accessible Design Features.

(d) Improving Computer Access, Literacy, and Employment Opportunities.

(e) Providing Full and Equal Access to Faith-Based and Other Community Organizations in HUD Program Implementation.

(f) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(g) In addition to the HUD policy priorities, the following is a program priority: Using PATH Technologies in Housing Construction and Rehabilitation. HUD encourages participation in Partnership for Advancing Technology in Housing (PATH) for programs that intend to use funding for construction or rehabilitation. PATH's goal is to achieve dramatic improvement in the quality of

American housing by the year 2010. PATH encourages leaders from the home building, product manufacturing, insurance and financial industries and representatives from federal agencies dealing with housing issues to work together to spur housing design and construction innovations, particularly those innovations that make housing more affordable to low and moderate income persons and which are energy efficient. PATH has a FY 2002 budget of $8.75 million.

PATH will provide technical support in design and cost analysis of advanced technologies to be incorporated in project construction. Applicants should see *www.pathnet.org* on the Internet for more information, the list of technologies, latest PATH Newsletter, results from field demonstrations and PATH projects. Applicants are encouraged to employ PATH technologies to exceed prevailing national building practices by: Reducing costs; improving durability; increasing energy efficiency; improving disaster resistance, and reducing environmental impact.

(7) *For New Grants* (12 points): *For New Directions Grants* (7 points). Result in the COPC function and activities becoming part of the urban mission of your institution and being funded in the future by sources other than HUD. The bases for rating an application for this selection factor will be different, depending on whether the application is for a New Grant or a New Directions Grant.

In reviewing this subfactor for a New Grant, HUD will consider the extent to which:

(a) COPC activities relate to your institution's urban mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these activities through promotion and tenure policies; benefit students because they are part of a service learning program or professional training at your institution (rather than just volunteer activities); and are reflected in your curriculum. HUD will look at your institution's commitment to faculty and staff continuing work in COPC neighborhoods or replicating successes in other neighborhoods and to your longer term commitment (e.g., five years after the start of the COPC) of hard dollars to COPC work. HUD will consider the extent to which your proposed activities are appropriate for an institution of higher education because they are tied to your institution's teaching or research mission. In addition, HUD will consider the extent to which your faculty, staff and students from across many disciplines are involved in COPC-like activities as a way of demonstrating your institution's commitment to these kinds of activities.

(b) You have received commitments for funding from sources outside the university for related COPC-like projects and activities in the targeted neighborhood or other distressed neighborhoods. Funding sources to be considered include, but are not limited to, local governments, neighborhood organizations, private businesses, your institution, and foundations.

In reviewing this subfactor for a New Directions Grant, HUD will consider the extent to which your New Directions project will sustain the institutional capacity and commitment of your institution to undertake outreach activities. HUD will be looking for increases in the number of faculty undertaking this kind of work, increases in the number of courses linked to outreach activities and the number of students taking these courses, formal changes in institutional policies related to support of outreach, and other measures of the impact of this work on your institution.

(8) *For New Direction Grants only* (5 points). Previous grantees have a wealth of knowledge that they can and should share with other institutions. If you send a faculty member of your team who has been listed in your application to participate in the peer review process for New Grants, you will receive 5 points.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses the ability of the applicant to secure community resources which can be combined with HUD's program resources to achieve program purposes. This factor measures the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships with you. You may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. In evaluating this factor, HUD will allocate points as follows:

(1) Five (5) points will be awarded for a match that is 50% over the required match, as described in Section IV(D) above. Fewer points will be assigned depending on the extent of the match. Matching funds must be provided unconditionally in order to be counted for this factor.

HUD is concerned that applicants should be providing hard dollars as part of their matching contributions to enhance the tangible resources going into targeted neighborhoods. Thus, while indirect costs can count towards meeting the required match, they will not be used in calculating match overage. Only direct costs can count in this factor.

(2) Up to an additional 5 points will be awarded for the extent to which you document that matching funds are provided from eligible sources other than your institution (e.g., funds from the city, including CDBG, other State or local government agencies, public or private organizations, or foundations). Fewer points will be assigned depending on the extent of the outside match.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitment, memoranda of understanding, or agreements to participate from any entity, including your own institution, that will be providing matching funds to the project. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization. Unless matching funds are accompanied by a commitment letter citing the specific dollar amount pledged, they will not be counted towards the match.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (Maximum 10 points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the

community. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3). If you are working in a CDBG non-entitlement area, please note that at the beginning of the discussion of this factor.

In evaluating this factor, HUD will consider:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed worked activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities; housing choices or improved living environments;

(3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(4) Institutionalization of Project Activities. HUD will also consider the extent to which your project will result in the kinds of activities that will be sustained by the university by becoming part of the mission of the institution. HUD will also look at the university's monetary commitment to continuing to work in the target area or other similar areas and to its longer term commitment of hard dollars to similar work.

(C) *Selections.* In order to be funded under COPC, you must receive a minimum score of 70. HUD intends to fund at least one eligible applicant that serves colonias, as defined by section 916(d) of the Cranston-Gonzalez National Affordable Housing Act, as long as the applicant receives a minimum score of 70. HUD will select the highest ranking colonias application from among the rated colonias applications.

If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging Resources shall be selected.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded COPCs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable COPC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all applications have been rated and ranked and selections have been made, HUD may require you, if you are selected, to participate in negotiations to determine the specific terms of your Statement of Work and grant budget. In cases where HUD cannot successfully conclude negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please, do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard'' forms can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official delegation of signatory authority;

(E) *Abstract.* (1 page limit) An abstract describing the goals and activities of your program.

(F) *Narrative statement addressing the Factors for Award in Section V(B).* (50 page limit, including letters of commitment, tables and maps, but not including letters of matching commitments, the match calculation worksheet, and budget forms). (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2002 the statement of work and the budget are now a part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. Following an activity and tasks under each activity format, your Statement of Work must:

(a) Arrange the presentation of related major activities by project functional category (e.g., economic development, affordable housing, capacity building), summarize each activity, identify the primary persons involved in carrying out the activity, and delineate the major tasks involved in carrying it out.

(b) Indicate the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously.

(c) Identify specific numbers of quantifiable intermediate and end products and objectives you will deliver by the end of the award agreement period as a result of the work performed.

(d) Identify whether you propose to work in a Community Development Block Grant (CDBG) entitlement area or not.

(2) Your budget presentation should be consistent with your Statement of Work and include:

(a) Budget Form—The budget form (Form HUD–424–CB) should be used to prepare the budget.

(b) A narrative explanation of how you arrived at your cost estimates, for any line item over $5,000.

(c) A statement of your compliance with the 20% limitation on ''Planning and Administration'' Costs.

(d) An explanation of your compliance with the requirement that not more than 25% of the total budget be allocated to research activities (Form HUD–30002).

(3) Your narrative response should be numbered in accordance with each factor and subfactor.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);
(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;
(5) HUD–50070, Certification of Drug-Free Workplace;
(6) HUD–2992, Certification Regarding Debarment and Suspension;
(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and
(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestions (HUD–2994).* If you wish to offer comments on the COPC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

IX. Other Items

(1) *Executive Order 12372. Intergovernmental Review of Federal Programs.* You must comply with this Executive Order. Please refer to the General Section VII(C) for details.

(2) *Conducting Business in Accordance with Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II(B)(2)) of the General Section of this SuperNOFA as a condition of award.

(3) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere Office of University Partnerships at (202) 708–3061, ext. 3181. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also reach Mr. Carriere via the Internet at Armand_W._Carriere@hud.gov. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

IX. Authority

This program is authorized under the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note; the ''COPC Act''). The COPC Act is contained in section 851 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (HCD Act of 1992). Section 801(c) of the HCD Act of 1992 authorized $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The FY 2002 HUD Appropriations Act (P.L. 107–73) continued the program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY 2002.

Appendix A

The non-standard forms, which follow, are required for your COPC application.

BILLING CODE 4210–32–P

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form **HUD-30001** (4/98)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.
Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).
The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Community Outreach
Partnership Centers Program

Breakdown of Outreach and Research Activities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.

Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).

The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

	Total Cost $	Percent of Total Project Cost
Total Research Activities		%
Total Outreach Activities		%
Total		

Community Outreach Partnership Centers Program

Budget (Applicant should duplicate this first page as necessary)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. (2/28/2003)

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of First Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the COPC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30003** (11/1999)

Community Outreach Partnership Centers Program

Budget

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Functional Category	Year 1 Federal $	Year 1 Match $	Year 2 Federal $	Year 2 Match $	Year 3 Federal $	Year 3 Match $	Total Federal $	Total Match $
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Total of all Categories								

form **HUD-30003** (11/1999)

Verification of Match for New Grants

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 9999-9999 (exp. 99/99/9999)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

_____	+	_____	=	_____
(Grant request for Research)		(Match for Research)		(Research Total Project Costs)

Research match should be:

_____	X	50%	=	_____
(Research Total Project Costs)				(Required Research Match)

B. Outreach Total Project Costs::

_____	+	_____	=	_____
(Grant request for Outreach)		(Match for Outreach)		(Outreach Total Project Costs)

Outreach match should be:

_____	X	25%	=	_____
(Outreach Total Project Costs)				(Required Outreach Match)

C. Required Total Match:

_____	+	_____	=	_____
(Required Research Match-from 1.A.)		(Required Outreach Match-from 1.B.)		(Required Total Match)

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3)= _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

Verification of Match for New Directions Grants

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 9999-9999 (exp. 99/99/9999)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

(Grant request for Research)	+	(Match for Research)	=	(Research Total Project Costs)
_____	+	_____	=	_____

Research match should be:

(Research Total Project Costs)	X	60%	=	(Required Research Match)
_____	X	60%	=	_____

B. Outreach Total Project Costs::

(Grant request for Outreach)	+	(Match for Outreach)	=	(Outreach Total Project Costs)
_____	+	_____	=	_____

Outreach match should be:

(Outreach Total Project Costs)	X	35%	=	(Required Outreach Match)
_____	X	35%	=	_____

C. Required Total Match:

(Required Research Match-from 1.A.)	+	(Required Outreach Match-from 1.B.)	=	(Required Total Match)
_____	+	_____	=	_____

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs)(from 3)= _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources = _____
Total Actual Match (w/o indirect costs) (from 3)

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street, SW, Room 7251
Washington, DC 20410-3500
ATTN: (fill in appropriate program name)

Re: HUD Notice of Funding Availability, FR- , for (fill in appropriate program name)

To Whom It May Concern:

If this proposal is funded, (provider name) commits $(amount) (or) (type of in-kind contribution) valued at $(amount) to (applicant name) for (type of activity) to be made available for recipients of the program. These funds will be made available on (date) for the following grant activity(ies): _____

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low and moderate income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

Available Funds. Approximately $10.5 million.

Eligible Applicants. Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program.

Application Deadline. June 20, 2002.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the HBCU program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002 at HUD Headquarters with a copy to the appropriate HUD CPD Field Office.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), Fed EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 a.m. and 5:30 p.m. Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of one original and two copies of your application. Submit your original signed application and one of the two copies to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7251, Washington, DC, 20410. When submitting your application, please refer to the HBCU Program, and include your name, mailing address (including zip code) and telephone number (including area code).

Copies of Applications to HUD Field Offices. To facilitate processing and review of your application, submit one copy (the second copy) to the Community Planning and Development (CPD) Director in the appropriate HUD Field Office for the HBCU by 5:30 p.m. Eastern Time on June 20, 2002. The list of HUD Field Offices with CPD Directors is included in Appendix A to this program section of the SuperNOFA.

HUD will accept only *one* application per HBCU. If HUD receives more than one application from a single HBCU, HUD will ask the HBCU to identify which application it wants evaluated. If the HBCU does not respond within the stipulated period (see Section V of the General Section of this SuperNOFA), all of the applications received from the HBCU will be disqualified. You should take this policy into account to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental materials, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, you should refer to the HBCU Program and provide your name, address (including zip code), and telephone number (including area code). You may also download the application on the Internet through the HUD web site *at http://www.hud.gov.*

For Further Information and Technical Assistance. You may contact Ophelia Wilson, Historically Black Colleges and Universities Program, Office of University Partnerships, Policy Development and Research, Department of Housing and Urban Development, 451, Seventh St. SW., Washington, DC 20410, telephone (202) 708–3061 ext. 4390. (This is not a toll-free number.) If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also obtain information from the HUD Field Office located in your geographic area. Appendix A of this program section of the SuperNOFA contains the names, addresses and telephone numbers of the HUD Field Offices. For general information and information regarding training on this HBCU Program section of the SuperNOFA, you can call the SuperNOFA Information Center at 1–800–HUD–8929.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

Approximately $10.5 million is being made available for funding under this program section of the SuperNOFA. Additional funds may be available if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Allocation of Funding.* In order to ensure that some previously unfunded HBCUs will receive awards in this competition, approximately $1.7 million of the available funds will be awarded to HBCUs that have not previously been funded under the HUD HBCU program. Previously unfunded HBCUs are listed in Appendix B of this HBCU Program section of the SuperNOFA.

The remaining approximately $8.8 million of FY 2002 funds will be awarded to HBCUs that have received funding under previous HBCU competitions. Previously funded HBCUs are listed in Appendix C of this HBCU Program section of the SuperNOFA.

If recaptured funds are made available, those funds will also be divided proportionately between the two types of applicant funding pools.

HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in a particular application. The maximum amount awarded to previously unfunded applicants will be up to $340,000 and the maximum amount awarded to previously funded applicants will be up to $550,000. Applicants requesting more than the maximum amount will be disqualified.

(B) *Term of Grant.* The maximum period for performance of your proposed program under this SuperNOFA for the HBCU Program is 36 months. The performance period will commence on the effective date of your grant agreement.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The HBCU Program assists HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

(1) For the purposes of this program, the term ''locality'' includes any city, county, town, township, parish, village, or other general political subdivision of a State or the U.S. Virgin Islands within which an HBCU is located.

(2) If your HBCU is located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, you may consider your locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may differ, therefore, depending on its location.

(3) A ''target area'' is the locality or the area within the locality in which your HBCU will implement its proposed HUD grant activities.

(B) *Eligible Applicants.* Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program. Applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant (CDBG) Program national objective AND the CDBG eligibility requirements. Eligible activities that may be funded under the HBCU Program are those activities eligible for CDBG funding. The eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Additionally, not less than 51% of the aggregated expenditures of a grant must benefit low and moderate income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6). Each activity that may be funded under this SuperNOFA for the HBCU Program must meet one of the three national objectives of the Community Development Block Grant program which are:

(a) Benefit to low- or moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and encouraging accessible design features in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(d) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

If you are proposing to undertake any of the activities listed in (a) through (d), you will be required to provide at least two reasonable appraisals/estimates, from a *qualified* entity other than the HBCU, of the cost to complete the activities. This information is to be submitted with your application. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management;

(e) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is:

(i) Required under the provisions of 24 CFR 570.606(b) or (c); or

(ii) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(f) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(g) Special economic development activities described at 24 CFR 570.203;

(h) Assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(i) Assistance to a CBDO to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local entitlement grantee CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS); and

(j) Eligible public service activities, including but not limited to such activities as those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs. If grant funds are used to provide public services, you are bound by the CDBG statutory requirement that not more than 15% of the total grant amount be used for public service activities that benefit low and moderate income persons. Therefore, you must propose to use at least 85% of the grant amount for activities qualifying under an eligibility category other than public services (as described at 24 CFR 570.201(e)). If you propose an activity which otherwise is eligible it may not be funded if State or local law requires that it be carried out by a governmental entity.

The CDBG Publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the regulations, and a copy can be obtained from HUD's SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 for the hearing impaired.

(k) Fair housing services designed to further the fair housing objectives of the

Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, family status and/or disability aware of the range of housing opportunities available to them; and

(l) Payment of reasonable grant administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with grant funds.

(3) *Activities Designed to Promote Training and Employment Opportunities*. In selecting proposed eligible activities, we urge you to consider undertaking activities designed to promote opportunities for training and employment of low-income residents in connection with HUD initiatives such as ''Twenty/20 Education Communities'' in public housing and ''Neighborhood Networks'' (NN) in other Federally-assisted or insured housing. We also encourage you, whenever feasible, to propose implementing activities in a Federally-designated Urban or Rural (HUD or Department of Agriculture) Empowerment Zone, Urban or Rural Enterprise Community (EZ or EC), or a HUD-approved local CDBG Neighborhood Revitalization Strategy Area or HUD-approved State CDBG Community Revitalization Strategy Area.

(D) *Ineligible CDBG Activities* are listed at § 570.207.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you are subject to the following requirements:

(A) *Institutional Eligibility*. Institutions with two (2) or more active HBCU grants and who have drawn down less than 50% of the funding for each active grant prior to the 2002 application date will be ineligible to apply for a 2002 HBCU grant.

(B) *Leveraging*. Although a match is not required to qualify for funding, applicants that provide letters evidencing a firm commitment from other Federal (e.g., Americorps Programs), State, local, and/or private sources to provide funding, and/or in-kind goods or services to implement the proposed activities will receive points under Rating Factor 4. These letters must be dated no earlier than the date of this published SuperNOFA. If you do not have evidence of leveraging, you will receive zero (0) points for Rating Factor 4.

(C) *Affirmatively Furthering Fair Housing*. Please see Section II(D) of the General Section of this SuperNOFA.

(D) *Employment of Local Area Residents (Section 3)*. Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(E) *Labor Standards*. If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(F) *OMB Circulars*. Your grant will be governed by: (1) OMB Circular A–21 entitled ''Cost Principles for Educational Institutions''; (2) OMB Circular A–133 entitled ''Audits of States, Local Governments, and Non-Profit Organizations''; and (3) the provisions of 24 CFR part 84 entitled ''Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations. You can access the OMB Circulars at the White House website at http://whitehouse.gov/omb/circulars/index.html

(G) *Nondiscrimination*. In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, applicants for the HBCU Program must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR part 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(H) *Conducting Business In Accordance With HUD Core Values and Ethical Standards*. HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II (B)(2) of the General Section of this SuperNOFA as a condition of award.

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses*. HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

(A) *Threshold Factors for Funding Consideration.* HUD will conduct a review to insure that applications are complete and consistent with the threshold requirements of Section II (B), of the General Section of the SuperNOFA, including Compliance with Fair Housing and Civil Rights Laws, this HBCU Program section of the SuperNOFA and the HBCU Program regulations (24 CFR 570.404) before reviewing the application for rating and ranking. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Funding of Applications*. To be considered for funding, your application must receive a minimum score of 70 out of the possible total of 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. Within each category of eligible applicants, HUD will fund applications in rank order, until it has awarded all available funds for that category of applicant, or until there are no fundable applications remaining in that category. If there is a tie in the point scores of two applications, the rank order will be determined by the score on Rating Factor 3, 4, 2, 1, 5 in that order. HUD will give the higher rank to the application with the most points for a factor in the above order.

If funds remain after approving all fundable applications within a category of applicants, HUD may choose to add those funds to the funds available for the other category of applicants.

(C) *After Selection*. After selection, but prior to award, you will be required to:

(a) Negotiate. After HUD has rated and ranked all applications and HUD has selected the competition winners, HUD requires that all winners participate in negotiations to determine the specific terms of the Statement of Work and the final grant budget. HUD will follow the negotiation procedures described in Section III(D) of the General Section of the SuperNOFA.

(b) Provide Financial Management and Audit Information. If you are selected for funding, you will be required to submit a copy of your most recent audit from an Independent Public Accountant, or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by OMB Circular A–133, as codified at 24 CFR part 84 and provides your approved fringe benefit and overhead rates.

(D) *Factors For Award Used To Evaluate and Rate Applications*. HUD will use the Factors For Award set forth below to evaluate applications. Your application must contain sufficient information for HUD to review it for its merits. The score for each factor will be based on the qualitative and quantitative aspects of your response to that factor. You are not to exceed a total of fifty (50) pages to respond to Rating Factor 1 through 5. This limitation applies to your narrative response,

tables, and maps, and NOT to firm commitment letters, and the performance narrative for previously funded HBCUs.

The maximum number of points that may be awarded is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience.* (5 Points for previously funded applicants and 25 Points for previously unfunded applicants). Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants (including technical assistance providers) and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider the extent to which your organization and staff have recent, relevant, and successful experience in:

(a) Undertaking specific successful community development projects with community-based organizations or local governments; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* (20 Points for previously funded applicants). The extent to which you have performed successfully under your previous and current HBCU grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives consistent with timelines in your grant proposal;

(b) Your leveraging of funding consistent with or exceeding the Fund originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous HBCU grants (including the timeliness and completeness of your compliance with HBCU reporting requirements and your ability to take action to resolve problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(d) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

For each open HUD HBCU grant, you must submit a *performance narrative as outlined in Appendix D.*

Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you *document* the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your community's (State or local government's) Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor. If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include, but are not limited to, Census reports, HUD's Continuum of Care gaps analysis and its E-MAPS (www.hud.gov/emaps), law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, community needs analysis such as provided by the United Way, local Urban League, the HBCU and other sound and reliable sources appropriate for the HBCU program. You also may address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where your proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (40 Points). This factor includes your statement of work and budget.

(a) Work Plan Impact (10 Points). Describe how your proposed activities will:

(i) Expand the role of the HBCU in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area. Duplicative efforts will be acceptable, if you are able to demonstrate that there is a population in need that is not being served;

(iv) Involve and empower the citizens of the target area; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and internet technology.

(b) *Specific Services and/or Activities.* (25 Points). Your work plan must incorporate all proposed activities. HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered.

Describe each proposed activity, and the tasks required to implement and complete the activity. If your proposed work activity triggers federal relocation laws, you must comply with the regulations in 24 CFR 570.606 and, 49 CFR part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601–4655).

Also, for each activity, describe:

(i) How it meets a CDBG national objective;

(ii) The sequence, duration, and the products to be delivered in 6 month intervals, up to (36) months. You should indicate which staff member, described in your response to Factor 1, will be responsible and accountable for the deliverables; and

(iii) Measurable objectives to be accomplished, e.g. the number of: persons to be trained and employed; houses to be built (pursuant to 24 CFR 570.207) or rehabilitated; minority owned businesses to be started, etc.

(c) HUD Priorities (5 Points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of five (5) points. For a fuller explanation of each policy priority, please refer to Section VI of the General Section of this SuperNOFA.

(i) Increasing Homeownership Opportunities for Low and Moderate Income Persons, Persons with Disabilities and the Elderly, and Minorities and families where English may be a second language.

(ii) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(iii) Improving Computer Access, Literacy, and Employment Opportunities.

(iv) Providing Full and Equal Access to Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(v) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(vi) Encouraging Accessible Design Features.

(2) *Affirmatively Furthering Fair Housing* (5 Points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fair housing through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing mobility counseling.

In evaluating Rating Factor 3, HUD will consider the extent to which your budget is consistent with the Work Plan and the dollars indicated on the Standard Form (SF) 424. Your budget submission must include:

(i) A budget summary covering the Federal and non-Federal share of the costs proposed by cost category. You should pay particular attention to accurately estimating costs, determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals. Indirect costs must be substantiated and approved by the cognizant Federal agency or you must provide an indirect cost rate plan. The indirect cost rate should be indicated in your budget;

(ii) A budget justification, which should be a narrative statement indicating how you arrived at your costs. When possible, you should use quotes from vendors or historical data. You must support all direct labor and salaries with mandated city/state pay scales or other documentation; and

(iii) A budget-by-activity which includes a listing of tasks to be completed for each activity needed to implement the program, the overall costs for each activity, and the cost for each funding source.

You must submit at least two reasonable appraisals/estimates supplied by *qualified* entities, other than the HBCU, if you are proposing to do any of the following: acquisition of real property; clearance and demolition; rehabilitation of residential, commercial and/or industrial structures; *and/or* acquisition, construction, or installation of public facilities and improvements. You may obtain guidance for securing these estimates from the local HUD's Office of Community Planning and Development.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure resources which can be combined with HUD program funds to implement the proposed activities. Potential Sources of Assistance are:

- Federal, State and local governments
- Housing Authorities
- Local or national nonprofit organizations
- Banks and private businesses
- Foundations
- Faith-based and other community based organizations
- The HBCU

For each match, cash or in-kind contribution to your program, you must submit a letter from the provider on the provider's letterhead. The date of the letter from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. A firm commitment letter should address the following:

- The cash amount contributed or dollar value of the in-kind goods and/or sevices committed;
- How the match is to be used;
- The date the match will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HBCU Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

In evaluating this factor, HUD will consider the extent to which you have secured firm commitments for additional resources to increase the effectiveness of your proposed activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated solely for the purpose(s) of the award you are seeking. A higher number of points will be awarded for a cash match than in-kind goods or services of the same value. The maximum number of rating points you can receive for leveraging is ten (10). Applicants will receive no points for undocumented claims. Use the format provided, to respond to this factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's planning process, contact the local Community Development Agency or the local HUD Field Office.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations *before* submission in order to best complement, support and coordinate all known activities, and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to your proposed activities.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

(4) Institutionalization of Project Activities. HUD will also consider the extent to which your project will result in the kinds of activities that will be sustained by the HBCU by becoming part of the mission of the HBCU. HUD will also look at the HBCUs monetary commitment to continuing to work in the target area or other similar areas and to its longer term commitment of hard dollars to similar work.

VI. Application Submission Requirements

(A) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms follow the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found in Appendix D to this program section of the SuperNOFA.

Forms applicable to the HBCU application are as follows:

(1) Standard Form SF–424, Application for Federal Assistance.

(2) Standard Form SF–424B, Assurances for Non-Construction Programs.

(3) Standard Form SF–4240, Assurances for Construction Programs.

(4) Form HUD–424M Budget Matrix

(5) Form HUD–50070, Certification for a Drug-Free Workplace.

(6) Form HUD–50071, Certification of Payments to Influence Federal Transactions. If you did do any lobbying then you must also complete the Certification and Disclosure Form Regarding Lobbying (SF–LLL).

(7) Form HUD–2880, Applicant/ Recipient Disclosure Update Report.

(8) Form HUD–2992, Certification Regarding Debarment and Suspension. This certification is required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required).

(9) Form HUD–2991, Certification of Consistency with the Consolidated Plan; and

(10) Form HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan. RC/EZ/EC bonus points will only be awarded when the HBCU is located within the geographic boundaries of a HUD or Department of Agriculture RC/EZ/EC. If applicable, you will need to indicate on this form if the college or university is located within the geographic boundaries of the RC/EZ/EC.

(B) *Transmittal Letter.* A transmittal letter must accompany your application. Your cover letter must be signed by the Chief Executive Officer (usually the President or Provost) of your institution. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must also be included.

(C) *Letter Certifying Local Approval.* This letter certifies that the jurisdiction in which your activities will take place approve the implementation of your activities.

(D) *Abstract/Executive Summary* (one page limit) describing the goals and activities of your project.

(E) *Narrative Statement Responding To the Factors For Award* (50 page limit, including tables and maps, but not including firm commitment letters, and the performance narrative). The narrative should be numbered in accordance with each factor and subfactor.

Please note that all certification forms must be signed by the authorized certifying official.

(F) *HUD Form 40076, Budget Information.* Also, HUD will not consider appendices to an application. You must submit your documentation, including firm commitment letters and the performance narrative with your responses to the pertinent factors in order to receive points for it.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program part, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select an alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants,'' issued January 27, 1999.

IX. Other Matters

(1) Disclosures. HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports' both applicant disclosures and updates'will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR 4.7 Part 5.

(2) Publication of Recipients of HUD Funding. HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) Section 103 HUD Reform Act. HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquires to the subject areas permitted under 24 CFR part 4.

(4) Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not longer than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings

must be made in writing and submitted to the person or organization identified as the Contact under the section entitled For Further Information and Technical Assistance in the program section of the Super NOFA under which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

X. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101–235, approved December 15, 1989). The HBCU Program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

Appendices to the HBCU NOFA

A. Field Office Community Planning and Development Directors With Historically Black Colleges And Universities Located Within Their Jurisdiction

B. Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2001

C. Historically Black Colleges and Universities Previously Funded By HUD During Fiscal Years 1991–2001

D. HBCU Application Forms

Appendix A—Community Planning and Development (CPD) Directors With Historically Black Colleges and Universities Located Within Their Jurisdiction

Harold Cole, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, AL 35209–3144, 205–290–7630 ext. 1027

Danny Carter, Acting, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, 501–324–6375

John Perry, Richard B. Russell Federal Building, 49 Marietta Street-Five Points Plaza, Atlanta, GA 30303–2806, 404–331–5001 ext. 2449

Ben Cook, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, 502–582–6163 ext. 214

Gregory Hamilton, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, 504–589–7212 ext. 3047

Joseph O'Connor, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201–2505, 410–962–2520 ext. 3071

Raymond Perry, Acting, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, 313–226–7908, ext. 8055

Emily Eberhardt, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, 601–965–4700, ext. 3140

Ann Wiedl, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, 314–539–6524

Charles T. Ferebee, 2306 West Meadowview Rd., Greensboro, NC 27407–3707, 336–547–4005

James Nichol, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, 904–232–1777, ext. 2136

Carmen R. Cabrera, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, 787–766–5576, ext. 2005

Lana Vacha, 200 North High Street, Columbus, OH 43215–2499, 614–469–5737, ext. 8240

David Long, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, 405–553–7569

Joyce Gaskins, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, 215–656–0624 ext. 3201

Louis E. Bradley, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, 803–765–5564

Virginia Peck, John J. Duncan Federal Building, 710 Locust Street SW., Third Floor, Knoxville, TN 37902–2526, 865–545–4391 ext. 121

Katie Worsham, 801 Cherry Street, Fort Worth, TX 76102, 817–978–5951

John T. Maldonado, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, 210–475–6820, ext. 2293

Carlos Renteria, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, 804–278–4503, ext. 3229

Ronald J. Herbert, 820 First Street NE, Suite 450, Washington, DC 20002–4205, 202–275–0994, ext. 3163

Lynn Daniels, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2512, 416–644–2999

Jack Johnson, 909 SE First Avenue, Room 500, Miami, FL 33131–3028, 305–536–4431, ext. 2223

Appendix B—Historically Black Colleges and Universities Previously Unfunded By HUD During Fiscal Years 1991–2001

Alabama

Concordia College
Selma University
Trenholm State Technical College

Arkansas

Delaware

Delaware State University

Florida

Florida Memorial College

Georgia

Morehouse School of Medicine
Paine College

Louisiana

Southern University at Shreveport/Bossier City

Maryland

University Of Maryland Eastern Shore

Michigan

Lewis College of Business

Mississippi

Mary Holmes College

North Carolina

Ohio

Wilberforce University

Pennsylvania

Cheyney University of Pennsylvania

South Carolina

Clinton Junior College
Denmark Technical College
Morris College

Tennessee

Knoxville College
Lane College

Texas

Jarvis Christian College
Southwestern Christian College

Virginia

West Virginia

U.S. Virgin Islands

Appendix C—Historically Black Colleges and Universities Previously Funded by HUD During Fiscal Years 1991–2001

Alabama

Alabama A&M University
Alabama State University
Bishop State Community College
Gadsden State Community College
J.F. Drake Technical College
Lawson State Community College
Miles College
Oakwood College
Stillman College
Talladega College
Tuskegee University
C.A. Fredd Technical College

Arkansas

Arkansas Baptist College
Philander Smith College
Shorter College
University of Arkansas at Pine Bluff

District of Columbia

Howard University
University of the District of Columbia

Florida

Bethune-Cookman College
Edward Waters College
Florida A&M University

Georgia

Albany State University
Clark Atlanta University
Fort Valley State University
Interdenominational Theological Center
Morehouse College
Morris Brown College
Savannah State University
Spelman College

Kentucky

Kentucky State University

Louisiana

Dillard University
Grambling State University
Southern University A & M College System at Baton Rouge
Southern University at New Orleans
Xavier University of New Orleans

Maryland

Bowie State University
Coppin State College
Morgan State University

Mississippi

Alcorn State University
Coahoma Community College
Jackson State University
Mississippi Valley State University
Rust College
Tougaloo College
Hinds Community College

Missouri

Harris-Stowe State College
Lincoln University

North Carolina

Barber-Scotia College
Bennett College
Elizabeth City State University
Fayetteville State University
Johnson C. Smith University
North Carolina A&T State University
North Carolina Central University
St. Augustine's College
Shaw University
Winston Salem State University

Ohio

Central State University

Oklahoma

Langston University

Pennsylvania

Lincoln University

South Carolina

Allen University
Benedict College
Claflin College
South Carolina State University
Voorhees College

Tennessee

Fisk University
Lemoyne-Owen College
Meharry Medical College
Tennessee State University

Texas

Huston-Tillotson College
Paul Quinn College
Prairie View A&M University
Saint Philip's College
Texas Southern University
Texas College
Wiley College

Virginia

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University
Virginia Union University

West Virginia

West Virginia State University
Bluefield State College

U.S. Virgin Islands

University of the Virgin Islands

Appendix D

The non-standard forms, which follow, are required for your HBCU application.

BILLING CODE 4210–32–P

Budget Summary
Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget

Category **1. Direct Labor** Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				
Category **2. Fringe Benefits**	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				
Category **3. Materials** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

Category				
4. Travel a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				
Category **5. Equipment** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				
Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

Category **7. Subcontracts** List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category **8. Other Direct** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category **9. Indirect** Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

Budget Summary
Non-Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget

Category **1. Direct Labor** Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				

Category **2. Fringe Benefits**	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				

Category **3. Materials** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category				
4. Travel a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				
Category **5. Equipment** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				
Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category **7. Subcontracts** List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category **8. Other Direct** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category **9. Indirect** Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

RESPONSE SHEET

Applicant Name: _____

Budget-By-Activity The information that the applicant supplies on this form will be reviewed in conjunction with the narrative response and other documentation for the budget submission requirement.

Activity No.	List Activity and Tasks for Each Activity	Source of Funds: HUD HBCU Grant	Other Federal	State	Local	Private	Total
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
	Subtotal	$	$	$	$	$	$
	Costs of Administering Grant	$	$	$	$	$	$
	Percent of Total	%	%	%	%	%	%
	*Total	$	$	$	$	$	$

*Must equal amounts on SF-424.

Factor 4 Response Format

(Use this form or type on separate pages)

Applicant Name: **RESPONSE SHEET**

Factor 4 - Leveraging Resources (maximum points: **10**). The information that the applicant supplies on this form will be used in conjunction with the narrative response and other documentation to rate Factor 4.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	To Be Applied To Task No.	Commitment Letter Page No.
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
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		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street SW, Room 7251
Washington, DC 20410-3500
Attn: (State appropriate program name)

Re: HUD Notice of Funding Availability, FR- for (state appropriate program name)

To Whom It May Concern:

If this proposal is funded, (**provider name**) commits $(**amount**) (or) (**type of in-kind contribution**) valued at $(**amount**) to (**applicant name**) for (**type of activity**) to be made available for recipients of the program.

These funds will be made available on (**date mm/dd/yyyy**) for the following grant activity(ies):(**list**)

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (HSIAC)

PROGRAM OVERVIEW

Purpose of the Program. To assist Hispanic-serving institutions of higher education (HSIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $10.1 million ($7.5 million from FY 2002 appropriation + $2.6 million carry over from FY 2001).

Eligible Applicants: Only nonprofit Hispanic-serving institutions of higher education that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Hispanic-serving Institutions Assisting Communities Program (HSIAC), please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002 at HUD Headquarters.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), Fed Ex, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to HSIAC and include your name, mailing address (including zip code), and telephone number (including area code).

HUD will accept only one application per HSI campus for this program. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800-HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, you should refer to HSIAC and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at http//www.hud.gov/grants.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061 extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Armand Carriere via email at Armand_W._Carriere @hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $7.5 million FY2002 funds plus $2.6 million carryover from FY 2001 are being made available under this SuperNOFA for HSIAC.

The maximum grant period is 36 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $600,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $$600,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of HSIAC is to assist HSIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State, Puerto Rico, or the U.S. Virgin Islands within which your HSI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of an HSI in Title V of the 1998 Amendments to the Higher Education Act of 1965 (P.L. 105–244) are you eligible to apply. In order for you to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in your institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. You are not required to be on the list of eligible institutions prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses. In addition, in order to fund as many different HSIs as possible, you can only apply if you did not receive an HSIAC grant in FY 2001. If you received an HSIAC grant in FY 2000, you may reapply as long as: (1) you propose an entirely new project for a different activity; (2) you propose a different project director; and (3) you have drawn down at least 75% of your previous grant by the application due date.

(C) *Eligible Activities.*

(1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. Each activity that may be funded under this SuperNOFA for the HSIAC program must meet one of the three national objectives of the CDBG program which are:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. (You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above, at least 51% are for activities benefiting low- and moderate-income persons.)

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

Ineligible activities are listed at § 570.207. The CDBG publication entitled, ''CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an HSI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (e.g., offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Armand Carriere at 202–708–3061 extension 3181 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is:

(1) Required under the provision of 24 CFR 570.606 (b) or (c); or

(2) Determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Eligible public service activitiesup to 15 percent of the grant including:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling, assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care centers;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(l) Administrative Costs. Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) Ineligible CDBG Activities are listed at 24 CFR 570.207.

IV. Program Requirements

(1) Executive Order 12372, Intergovernmental Review of Federal Programs. You must comply with this Executive Order. Please refer to the General Section VII(C) for details.

(2) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include: your own institution (for both direct and indirect costs);

- Federal, State and local governments;
- Housing authorities;
- Local or national nonprofit organizations;
- Banks and private businesses; foundations; and
- Faith-based and other community based organizations.

(3) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(4) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(5) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/omb/circulars/index.html.

(6) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(7) *Conducting Business In Accordance With Core Values and Ethical Standards* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II.(B)(2)) of the General Section of this SuperNOFA.

(8) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application will only be rated if it is both in compliance with the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible HSI and meet the other eligibility requirements under Section III(B) of this program NOFA;

(2)Your application requests a Federal grant of $600,000 or less over the three year period.

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. Your application must receive a minimum of 70 out of the possible total of 102 points to be considered for funding. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience (5 Points for previously funded applicants and 15 points for previously unfunded applicants).* Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent: experience pertaining to the specific activities being relevant: and experience producing specific accomplishments to be successful. The more recent the experience and the more recent the experience of your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(a) Undertaking specific successful community development projects with community-based organizations; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* (10 points for previously funded applicants)

The extent to which you have performed successfully under your previous and current HSIAC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives consistent with timelines in your grant proposal;

(b) Your leveraging of funding consistent with or exceeding the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous HSIAC grants (including the timeliness and completeness of your compliance with HSIAC reporting requirements and your ability to take action to resolve problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

(d) Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for HSIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (40 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to the proposed activities, and your actions regarding HUD's priorities and Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points). This factor includes your Statement of Work and Budget.

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) The project you propose can be completed within the three year grant period

(iii) Relate to and not duplicate other activities in the target area;

(iv) Involve and empower the citizens of the target area, targeting specifically faith-based and other community-based grassroots organizations, in all stages of the proposed project (particularly through a committee that is representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (13 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) You propose to alleviate and/or fulfill the needs identified in Factor 2; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your HSIAC application. For more information about the COPC program, you can look at the University Partnerships Clearinghouse web site at http://www.oup.org/techassist/copc/techcopc.html.

(d) *HUD Priorities* (5 points). The extent to which your application will further and support at least one of the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 5 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA.

(i) Encouraging Accessible Design Features.

(ii) Improving Computer Access, Literacy, and Employment Opportunities.

(iii) Providing Full and Equal Access to Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that Programs are Accountable for the Promises Made and the actions taken.

(v) Improving the Quality of Public Housing and Increasing Economic Mobility Choices for Residents.

(2) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other

entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address subfactors (1) and (3).

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(4) *Institutionalization of Project Activities.* The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; demonstrate support and involvement of the institution's executive leadership; are linked by a formal organizational structure to other units related to outreach and community partnerships; are reflected in budget and planning documents; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefit students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work. If you have previously received an HSIAC grant, you must describe the progress your institution has made since you received the HSIAC grant in institutionalizing your project activities.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected. A minimum of two applications which include colonias projects will be funded if they receive a minimum score of 70 points.

(1) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(2) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent

HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424*, Application for Federal Assistance.

(B) *HUD–424M*, Federal Assistance Funding Matrix.

(C) *Transmittal Letter*, signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(D) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(E) *Narrative Statement Addressing the Factors for Award.* (50 page limit, including tables, and maps, but not including any letters of commitment and budget forms) (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.). For FY 2002, the statement of work and the budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses of be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.)

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable);

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the HSIAC NOFA of this

SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

VIII. Authority

This program was approved by the Congress under the section 107 of the CDBG appropriation for Fiscal Year 2001, as part of the FY 2001 HUD Appropriations Act. HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your HSIAC application.

BILLING CODE 4210–32–P

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0198 (exp. 9/30/2002)

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Hispanic-Serving Institutions Assisting Communities (HSIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the HSIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30004** (03/2002)

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALASKA NATIVE/NATIVE HAWAIIAN ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

PROGRAM OVERVIEW

Purpose of the Program. To assist Alaska Native/Native Hawaiian institutions of higher education (AN/NHIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $4 million plus $2.2 million in previously unexpended FY 2001 funds, to be divided evenly between Alaska Native institutions of higher education (ANIs) and Native Hawaiian institutions of higher education (NHIs).

Eligible Applicants: Only nonprofit Alaska Native and Native Hawaiian institutions of higher education that meet the definitions of Alaska Native and Native Hawaiian institutions of higher education established in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002, at HUD Headquarters.

Application Submission Procedures. New Security Procedures. In response to the terrorist attacks in September 2001 HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped by the following delivery services: United Parcel Service (UPS), Fed EX, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the US Postal Service. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application die date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by not later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, Fed EX, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area you should submit your application via the US Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to AN/NHIAC and include your name, mailing address (including zip code) and telephone number (including area code).

For ANIs, HUD only will accept one application per campus. For NHIs, HUD will accept one application per institution. If your institution submits more than one application per campus (for ANIs) or more than one application per institution (for NHIs), HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the General Section of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929 (toll free). If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to AN/NHIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may call Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via email at Armand_W._Carriere@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $ 4 million in FY 2002 funds and $2.2 million in previously unexpended FY 2001 funds is being made available under this SuperNOFA for AN/NHIAC. Of this amount, $ 3.1 million is being made available for Alaska Native institutions (ANIs) of higher education and $ 3.1 million is being made available for Native Hawaiian institutions of higher education (NHIs). The performance period of 36 months will commence on the effective date of the grant agreement. The maximum amount which can be requested and awarded to a particular Alaska Native institution of higher education is $600,000. The maximum amount which can be requested and awarded to a particular Native Hawaiian institution of higher education is $3 million with each application composed of no more than five separate projects, each in a different neighborhood. Each separate project can be for no more than $600,000

Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you are an ANI and submit an

application requesting more than $600,000 in HUD funds, it will be ruled ineligible. If you are an NHI and you submit an application for more than $3 million, it will be ruled ineligible. If you are an NHI and you submit an application in which you request more than $600,000 for any one project, that particular project will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of AN/NHIAC is to assist AN/NHIs to expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State within which your AN/NHI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of either an Alaska Native institution of higher education or a Native Hawaiian institution of higher education, as contained in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244) are you eligible to apply. If you are an Alaska Native institution of higher education, in order for you to meet this definition, at least 20 percent of your undergraduate headcount enrollment must be Alaska Native students. If you are a Native Hawaiian institution of higher education, in order to meet this definition at least 10 percent of your undergraduate headcount enrollment must be Native Hawaiian students. You are not required to be on a list of eligible AN/NHIs prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are an ANI and received a grant in FY 2001, you are not eligible to submit an application in FY 2002. If you are an NHI and received a grant in FY 2001, you are not permitted to submit an application for the same specific project in a different neighborhood, another project in the same neighborhood, or another project with the same project director as the project funded in FY 2001.

If you are an ANI and your institution has multiple campuses, each one is eligible to apply separately, as long as it meets the above enrollment test. You may undertake as many projects and activities as you want, as long as you do not exceed the $600,000 cap for an application. If you are an NHI, you are permitted to submit only one application, no matter how many separate campuses you have, as long as your institution meets the above enrollment test. You may undertake up to five separate projects, each in a different neighborhood, with each project requesting no more than $600,000. In your application you must describe how each project is separate and distinct; how your proposed activities relate to that project; and that each project will not rely on any part of another project for its successful completion. A project can include one or more of the eligible activities listed below. For example, if you propose a homeownership project, you might rehabilitate housing in a neighborhood, demolish some structures to create spaces for lawns, and provide a loan pool for purchasers of this housing. All these activities could still be viewed as one project. You might also undertake a job training program for welfare-to-work families by rehabilitating a warehouse and offering the job training there. These activities could also be viewed as one project. But if you proposed to create a homeownership loan program and a job training program, these activities would be viewed as two separate projects. Your institution could undertake both, but they would have to be in two different neighborhoods.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR 570.208. Each activity that may be funded under this SuperNOFA for the Alaskan Native/Native Hawaiian program must meet one of the three national objectives of the CDBG program which are:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. (You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above at least 51% are for activities benefiting low- and moderate-income persons).

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

The CDBG publication entitled '' CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an AN/NHI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; another example, just undertaking your normal activities (e.g., offering English as a Second Language class) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Armand Carriere at 202 708–3061 extension 3181 if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of winners under the Hispanic-serving Institutions Assisting Communities program, a program very similar to this one.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one of the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is (i) required under the provision of 24 CFR 570.606(b) or (c); or (ii) determined by your institution to be appropriate under the provisions of 24 CFR 570.606 (d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Eligible public service activities. Up to 15 percent of the grant can be used for public service activities. Examples include:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them; (viii) Day care centers;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(l) Administrative Costs. Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) Ineligible CDBG Activities are listed at CFR 570.207.

IV. Program Requirements

(A) Executive Order 12372, Intergovernmental Review of Federal Programs. You must comply with this Executive Order. Please refer to Section VII(C) of the General Section for details.

(B) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs); State and local governments; housing authorities; local or national nonprofit organizations; banks and private businesses; foundations; and faith-based and other community based organizations.

(C) *Affirmatively Furthering Fair Housing.* Please see Section II(D) of the General Section of this SuperNOFA.

(D) *Employment of local area residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(E) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards (Davis-Bacon) as found at 24 CFR 570.603.

(F) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), OMB Circular A–21 (Cost Principles for Education Institutions), and OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov//omb/circulars/index.html.

(G) *Nondiscrimination.* In addition to the fair housing and other civil rights assurances described under Section II (B) of the SuperNOFA General Section, you must comply with Section 109 of the Housing and Community Development Act of 1974, as amended. Implementing regulations for Section 109 are found under 24 CFR 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507.

(H) *Conducting Business In Accordance With Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II(B)(2) of the General Section of this SuperNOFA as a condition of award.

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with small businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to Section II.(F) of the General Section of this SuperNOFA for specific requirements.

V. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be considered for rating and ranking if it is in compliance with both the requirements of the General Section of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible Alaska Native or Native Hawaiian institution of higher education and meet the other eligibility requirements in Section III(B) of this program NOFA;

(2) If you are an ANI, you request a Federal grant of $600,000 or less over the three-year grant period; or

(3) If you are an NHI, you request a Federal grant of $3 million or less over the three year grant period composed of no more than five separate projects, each in a different neighborhood, and each project for an award of no more than $600,000.

(4) If you are an ANI, there is only one application from your institution or a campus of your institution. If you are an NHI, there is only one application from your institution, no matter how many campuses there are.

(5) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) Knowledge and Experience (5 Points for previously funded applicants and 15 points for previously unfunded applicants) Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 5 years to be recent experience pertaining to the specific activities being relevant and experience producing specific accomplishments to be successful. The more recent the experience and the more recent the experience of your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(a) Undertaking specific successful community development projects with community-based organizations; and

(b) Providing proven leadership in solving community problems and have a direct bearing on the proposed activity.

(2) Past Performance (10 Points for previously funded applicants)

The extent to which you performed successfully under your previous AN/NHAIC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives;

(b) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous AN/NHAIC grants (including the timeliness and completeness of your compliance with AN/NHAIC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

Full points will be awarded for exceptional performance, which consistently meets and exceeds promised goals.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for AN/NHIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (40 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan and your actions regarding HUD's priorities and Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* (35 Points). This factor includes your Statement of Work and Budget

(a) *Specific Services and/or Activities* (12 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area.

(iv) Involve and empower the citizens of the target area, targeting specifically faith-based and other community-based grassroots organizations, in all stages of the proposed project (particularly through a committee that is representative of the target community, to guide the project); and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Work Plan Impact* (12 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two-year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management

plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (5 points). The extent to which your application proposes to involve your students and faculty, as part of their coursework in outreach and applied research activities. HUD's goal is to encourage you to fund activities similar to those eligible under the COPC program to be undertaken as a complement to those proposed in your AN/NHIAC application.

(d) *HUD Priorities* (6 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 6 points. For a fuller explanation of each policy priority, please refer to Section VI. of the General Section of this SuperNOFA

(i) Encouraging Accessible Design Features

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access to Faith Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(v) Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities and the Elderly, and Minorities and Families where English may be a second language

(vi) Improving the Quality of Public Housing and Providing More Choices for its Residents.

(2) *Affirmatively Furthering Fair Housing* (5 points). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (20 points)

This factor addresses the extent to which your project will result in activities that are coordinated with other agencies in the community and can be sustained as part of the mission of your institution.

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in activities that can be sustained as part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments of faculty and staff continuing work in the target area or other areas facing similar challenges, and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections.* For ANI applications, each application will be reviewed and rated based on these selection criteria. For NHI applicants, each project in an application will be reviewed and rated separately. If you are an ANI, you must receive a score of at least 70 points on your application in order to be eligible for funding. If you are an NHI, you must receive a score of at least 70 points for a project in order for that project to be eligible for funding. HUD will fund applications (for ANIs) or projects (for NHIs) in rank order, until it has awarded all available funds. HUD will rank and select applications from Alaska Native institutions and Native Hawaiian institutions separately. If, within either of these two categories, two or more applications (for ANIs) or projects (for NHIs) have the same number of points, the application (for ANIs) or project (for NHIs) with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application (for ANIs) or project (for NHIs) with the most points for Factor 4, Leveraging, shall be selected. If all the funds in one category are not awarded, they cannot be transferred to the other category.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C), or do not meet a national objective in accordance with 24 CFR 570.208.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to

offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

(1) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(2) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(3) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537(a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

(4) *Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Transmittal Letter,* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority. If you are an NHI, this letter should cover your entire application, no matter how many projects are proposed.

(D) *Abstract/Executive Summary* (one page limit for ANIs and three pages for NHIs) describing the goals and activities of the project. If you are an NHI, the abstract should cover your entire application, no matter how many projects are proposed.

(E) *Narrative Statement Addressing the Factors for Award.* (If you are an ANI, there is a 50 page limit including tables and maps, but not including any letters of commitment or budget forms. If you are an NHI, there is a 50 page limit for each separate project, including tables and maps, but not including any letters of commitment or budget forms, with each project responding to all of the Narrative Statement Addressing the Factors for Award Requirements (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For FY 2002, the Statement of Work and the Budget are now part of Factor 3, Soundness of Approach.

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. For each proposed activity, your Statement of Work must:

(a) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor (1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six-month intervals, up to 36 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30005 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(c) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(3) Your narrative statement addressing the factors for award should address all factors for award. You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work.

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD AN/NHIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.) If you are an NHI, you should separate your leveraging sources by project and include the appropriate letters in the Narrative Statement for that project.

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable)

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form

(5) HUD–50070, Certification of Drug-Free Workplace

(6) HUD–2992, Certification Regarding Debarment and Suspension

(7) HUD–2991, Certification of Consistency with the Consolidated Plan and

(8) HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable)

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comments and Suggestion Form (HUD–2994).* If you wish to offer comments on the AN/NHIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled ''Field Environmental Review Processing for HUD Colonias Initiative Grants'' issued January 27, 1998.

IX. Authority

This program was approved by Congress under section 107 of the CDBG appropriation for fiscal year 2002, as part of the FY 2002 HUD Appropriations Act. AN/NHIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your AN/NHIAC application.

BILLING CODE 4210–32–P

Alaska Native/Native Hawaiian Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0206 (exp. 5/31/2003)

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (this page)								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the AN/NHIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Alaska Native/Native Hawaiian Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Budget Applicant should duplicate this page as necessary.

Activity	Year 1		Year 2		Year 3		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Activity **Planning and Management**								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Grand Totals (all pages)								

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

TRIBAL COLLEGES AND UNIVERSITIES PROGRAM (TCUP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR TRIBAL COLLEGES AND UNIVERSITIES PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist Tribal colleges and universities to build, expand, renovate, and equip their own facilities.

Available Funds. Approximately $3 million from Fiscal Year 2002 appropriation.

Eligible Applicants: Only tribal colleges and universities that meet the definition of a Tribal College or University (TCU) established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244; enacted October 7, 1998)

Application Deadline. June 20, 2002

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 5:30 PM, Eastern time, on June 20, 2002 at HUD Headquarters.

Applications Submission Procedures New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. When submitting your application, please refer to TCUP and include your name, mailing address (including zip code) and telephone number (including area code).

HUD will accept only one application per TCU campus for this program. If your institution has multiple campuses, each one many submit a separate application. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application will be evaluated. If you do not respond within the stipulated cure period (see Section VI below), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to TCUP and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov./grants.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181 or Sherone Ivey of the Office of Native American Programs at 202–401–7914, extension 4200. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via email at Armand_W._Carriere@hud.gov and Ms. Ivey at Sherone_E._Ivey@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $3 million in FY 2002 funds is being made available under this NOFA for TCUP.

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $400,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of TCUP is to assist TCUs to build, expand, renovate, and equip their own facilities, especially those facilities that are used by or available to the larger community.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of a TCU in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244) are you eligible to apply. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses.

(C) *Eligible Activities.* Each activity you propose for funding must meet one of the following national objectives:

(a) Benefit low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency and other financial resources are not available to meet such needs.

You may not use any of your grant for public services, as defined in 24 CFR part 570, subpart C, § 570.201(e). You may use no more than 20 percent of your grant for planning and administrative activities, as defined in 24 CFR part 570, subpart C, § 570.206. Grant funds can only be used to build, expand, renovate, and equip facilities owned by your institution. Long-term leases of property (i.e., at least five years in duration) are considered an acceptable form of ownership under this program. Equipment can include, but is not limited to, computers, furniture, books, etc.

While community-wide use of your facility is permissible, the facility must be predominantly for the use of your institution (i.e., it must be used by your institution at least 51% of the time). The facility to be assisted must be for some activity or activities that your institution normally provides, as opposed to activities undertaken by other entities using your facility. Buildings in which your institution undertakes activities are eligible for assistance even if they do not serve those enrolled in your institution. A few examples are provided to show eligible uses of the grant. If your institution operates a small business assistance center, renovation of the facility in which the center is located would be an eligible grant activity, because the center is part of your institution even though it is not serving enrolled students. Conversely, if your institution rents space to another entity that operates a small business assistance center, renovation of the facility in which that center is located would not be an eligible grant activity, unless the space is used by your institution at least 51% of the time. As another example, you could build a new gymnasium solely for your students or propose to offer some physical education classes or other activities in the evening to the larger community. But if you proposed to build a new gymnasium, with the majority of the activities for non-students, or with the activities being primarily run by an outside entity, that would be an ineligible activity.

While you may choose to apply for a grant for any kind of college or university facility, facilities that will be used by or available to the larger community (as long as the use is still predominantly for your institution, as noted above) are eligible to receive extra points where the larger community has participated in the planning and implementation of this project. For example, in order to get these points, you could request a grant to rehabilitate a student union building that would also serve as a community meeting facility, with the community helping to plan the renovations and also helping to operate additional activities. As another example, you could expand a facility currently serving as a small business assistance center where current and potential small business owners helped design the expansion. As a third example, you could equip a computer lab where the larger community helped you identify the equipment needs and will also help in implementing workshops, etc. If you are proposing work on a facility that is solely for your institution (e.g., a dormitory or administration building), you can only get these points if you involve the community in the planning and implementation of the project. See Rating Factor 3 for more details. You should call Armand Carriere or Sherone Ivey at the above numbers if you have any questions about the eligibility of any activities you may propose.

(D) *Other Requirements.*

(1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published NOFA. Potential sources of leveraging assistance include your own institution (for both direct and indirect costs), tribes, the Indian housing authorities, financial institutions and private businesses, foundations, and faith-based and other institutions.

(2) *Federal Requirements.* If awarded a grant, you must comply with all Federal requirements, including the following:

(a) If your TCU is a part or instrumentality of a tribe, you must comply with the Indian Civil Rights Act (25 U.S.C. 1301 et seq.), but if your TCU is not a part or instrumentality of a tribe, you must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 et seq. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and Section 109 of the Housing and Community Development Act of 1974, as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6;

(b) The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146, prohibiting discrimination on the basis of age;

(c) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8, prohibiting discrimination against handicapped individuals;

(d) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135, requiring that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons;

(e) The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR part 87;

(f) The requirements for funding competitions established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 et seq.);

(g) Nondiscrimination provisions of Section 109 and Labor standards of section 110 of the Housing and Community Development Act of 1974 (HCDA 1974)(42 U.S.C. 5301 et seq.), referenced at 24 CFR 570.602 and 570.603, respectively. However, in accordance with HCDA 1974 section 107(e)(2), the Secretary waives the provisions of HCDA 1974 section 109 and 110 with respect to this program for grants to a TCU that is a part of a tribe, i.e., a TCU that is legally a department or other part of the tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If your TCU is not a part of a tribe, the nondiscrimination provisions and labor standards of HCDA section 109 and 110 apply to activities under the grant to your TCU.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the

White House website at http://www.whitehouse.gov/OMB/circulars.

(E) *Conducting Business In Accordance with Core Values and Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in section II.(B)(2)) of the General Section of this SuperNOFA.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to take all necessary affirmative steps in contracting with businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities. Please refer to section II (F) of the General Section of this SuperNOFA for specific requirements.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if it is in compliance with the requirements of this NOFA and the following additional standards are met:

(1) You must be an eligible TCU;

(2) Your application requests a Federal grant of $400,000 or less over the two-year grant period;

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

In addition you must meet the following Civil Rights threshold requirements if your TCU is not a part or instrumentality of a tribe.

If you, the applicant, (1) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; Act by the Secretary alleging ongoing discrimination; (2) are a defendant in a Fair Housing Act lawsuit by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (3) Have received a letter of noncompliance findings under Title VI, Section 504 or Section 109, HUD will not rate or rank your application under this NOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in this NOFA. HUD's decision regarding whether a charge, lawsuit, or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings. If your TCU is a part or instrumentality of a tribe, there must be no outstanding violataions of Title II of the Civil Rights Act, which requires due process for all activities undertaken by Native American tribes.

(B) *Factors Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100. HUD has five standard factors and several subfactors that it uses for evaluating almost all of its programs. Additionally, the SuperNOFA provides for the award of up to two bonus points for applicants that propose to serve federally designated RC/EZ/ECs, as defined in paragraph III(C)(1) of the General Section of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. More points will be awarded for this factor where the experience belongs to members of the TCU staff than where it belongs to consultants, contractors, and other staff outside your institution. In addition, more points will be awarded where the experience belongs to people who will actually work on your proposed project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Developing and equipping facilities for your institution; and

(b) Working with your community on the planning and implementation of projects.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting this need. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need. You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out.

Rating Factor 3: Soundness of Approach (45 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan.

(a) *Specific services and/or activities* (10 Points). Specifically, HUD will consider the extent to which your proposed activities will:

(i) Meet an identified important need; and

(ii) Relate to and not duplicate other activities in the target area.

(b) *Community Involvement* (10 points). HUD will consider the extent to which you have involved the community in all stages of the proposed project.

(c) *Work Plan Impact* (10 Points). HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center), result in measurable improvement to the community (e.g., fifty more people receiving computer literacy training, twenty more small businesses started, etc.), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(d) *Involvement of the Faculty and Students* (10 points). The extent to which your application proposes to use students and faculty, as part of their coursework, for project activities. HUD's goal is to encourage students and faculty to be able to use this grant to enhance their education experience and assist their community at the same time.

(e) *HUD Priorities* (5 points). The extent to which your application will further and support the following priorities of HUD. The quality of the response you provide to one or more of HUD's priorities will determine the score you receive. You will receive one point for each policy priority addressed, up to a total of 5 points. For a fuller explanation of each policy priority,

please refer to Section VI. of the General Section of this SuperNOFA.

(i) Encouraging Accessible Design Features.

(ii) Improving Computer Access, Literacy, and Employment Opportunities

(iii) Providing Full and Equal Access of Faith-Based and Other Community Based Organizations in HUD Program Implementation.

(iv) Ensuring that programs are accountable for the promises made and the actions taken.

(v) Improving the Quality of Public Housing and Providing More Choices for its Residents.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, e.g., the Tribe, the Federal government (Bureau of Indian Affairs, Department of Health and Human Services, Department of Education), etc., public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Commitment letters must state a dollar amount in order to earn points for this factor. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD/ONAP-funded projects/activities; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(3) Sustainability/Institutionalization of Project Activities. The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission, benefit students because they are part of a service learning program at your institution, and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

HUD will not fund specific proposed activities that do not meet one of the national objectives referenced in Section IIIC above. In addition, HUD reserves the right to fund less than the full amount requested in your application if any of your proposed activities is not eligible for funding under the statute creating this program.

(D) Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere or Sherone Ivey. Materials provided to you during your debriefing will incude the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form. Binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances found in the Appendix B to the General Section of this SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms,'' can be found in Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) SF–424, Application for Federal Assistance

(B) HUD–424M, Federal Assistance Funding Matrix

(C) Transmittal Letter

(Signed by the Chief Executive Officer of your institution or his or her designee. If someone else in your institution signs this letter, your application must include an official

designation of signing authority to that person.)

(D) Abstract/Executive Summary

(One page limit) describing the goals and activities of the project.)

(E) Narrative Statement Addressing the Factors for Award

(50 page limit, including tables, and maps, but not including any letters of commitment and budget forms.)

(1) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For each proposed activity, your Statement of Work must:

(a) Present a step-by-step breakdown of the major activities for which you seek funding (e.g., rehabilitation of a business development center, construction of new classrooms), identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets one of the national objectives referenced in Section IIIC above.

(b) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(c) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of classrooms added, the number of additional clients that can be helped in an expanded small business assistance center, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(d) Provide a description of how any proposed new construction or renovation of existing facilities will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8.21).

(2) The budget presentation should be consistent with the Statement of Work and include:

(a) A budget by activity, using Form HUD–30006 included in the application kit and Appendix B of this NOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(b) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution (e.g., an architect, engineer, construction firm, etc.).

(3) Your narrative statement addressing the factors for award should address each of the four factors for award. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in-kind, you must submit a letter, dated no earlier than the date of this NOFA, from the provider on the provider's letterhead that addresses the following:

(i) The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;

(ii) How the leveraging amount is to be used;

(iii) The date the leveraging amount will be made available;

(iv) Any terms and conditions affecting the commitment, other than receipt of a HUD TCUP Grant; and

(v) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and Appendix B for a sample commitment letter.)

(G) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs or SF–424D, Assurances-Construction Programs, depending on the activities you propose to undertake.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension.

(H) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(I) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the TCUP NOFA, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Environmental Requirements

Environmental Review. Certain eligible activities under this NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to review under related laws, in accordance with 24 CFR 50.19 (b)(1), (b)(3), (b)(12), or (b)(14). Selection for award does not constitute approval of any proposed sites. If the TCUP application proposes the use of grant funds to assist any non-exempt activities, following selection for award, HUD will perform an environmental review of activities proposed for assistance under the program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

VII. Authority

This program was approved by the Congress under the CDBG appropriation for Fiscal Year 2001, as part of the FY 2002 HUD Appropriations Act (Public Law 107–73). TCUP is being implemented through this NOFA and the policies governing its operation are contained herein.

Appendix A

The non-standard forms, which follow, are required for your TCUP application.

BILLING CODE 4210–32–P

Budget - Tribal Colleges and Universities Program

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0215
(exp. 10/31/2004)

Applicant should duplicate this page as necessary

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Tribal Colleges and Universities Program (TCUP). Total reporting burden for collection of this information is estimated to average 80 hours. This include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for TCUP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Activity #1 Name:

	Cost Item	Grant Request	Leveraged Funds*	Total Cost
1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 1 Cost			

Activity #2 Name:

1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 2 Cost			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

	Activity #3 Name:			
	Cost Item	Grant Request	Leveraged Funds*	Total Cost
1.	Administrative and legal expenses			
2.	Land, structures, rights-of-way, appraisals, etc.			
3.	Relocation expenses and payments			
4.	Architectural and engineering fees			
5.	Other architectural and engineering fees			
6.	Project inspection fees			
7.	Site work			
8.	Demolition and removal			
9.	Construction			
10.	Equipment			
11.	Miscellaneous			
12.	Total Activity # 2 Cost			

	Activity #4 Name: Planning and Administration			
1.	Direct Labor			
2.	Fringe Benefit			
3.	Materials			
4.	Travel			
5.	Equipment			
6.	Consultants			
7.	Subcontracts			
8.	Other Direct Costs			
9.	Indirect Costs			
10.	Total Activity Cost #3			
	Grand Totals (all pages)			

*Letters of leveraging costs must accompany the application in order for leveraged funds to be accepted.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE FAIR HOUSING INITIATIVES PROGRAM (FHIP)

PROGRAM OVERVIEW

Purpose of the Program. To increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

Available Funds. For FY 2002, approximately $20,250,000 is allocated to three (3) Initiatives as follows:

A. Private Enforcement Initiative (PEI) $11,825,000 million.

B. Education and Outreach Initiative (EOI) $6,325,000 million.

C. Fair Housing Organizations Initiative (FHOI) $2,100,000 million.

Eligible Applicants. Eligibility requirements are described in detail under each of the funded Initiatives and Components, set forth below, and eligible applicants may include: Qualified Fair Housing Organizations (QFHOs); Fair Housing Enforcement Organizations (FHOs); public or private for-profit or not-for-profit organizations or institutions, or other public or private entities that are working to prevent or eliminate discriminatory housing practices; faith-based community-based organizations, State and local governments or their agencies; and Fair Housing Assistance Program (FHAP) agencies (as defined in Section IV of this NOFA).

Application Deadline. May 22, 2002.

Match: No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. However, sponsored organizations under FHOI must meet the requirements described in Section IV (D) below.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of this SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended) and the FHIP Regulations (24 CFR 125.103–501).

I. Application Due Date, Further Information, and Technical Assistance

A. *Application Due Date.* You must submit completed applications for all Initiatives and Components by 6 p.m., Eastern Time, on or before May 22, 2002 at HUD Headquarters building, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the method of application submission (e.g., mailed applications, express mail, or overnight delivery). In addition, review all information on delivery services permitted into HUD Headquarters building without escort.

B. *Address for Submitting Applications.* Your application consists of an original signed application form (SF 424) and all items listed in the Checklist (See Section IV and Appendix C for all submission requirements). Submit your completed application (one original and five copies) to: FHIP SuperNOFA 2002 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5224, Washington, DC 20410.

When you submit your application, please provide the following information at the front top left corner of the mailing envelope: your organization's name, name of contact person, mailing address (including zip code), telephone number (including area code), and fax number. Applicants for more than one Initiative or Component must submit six copies for each Initiative or Component for which you apply. See General Section of the NOFA for further information on Consolidated Application Submissions.

C. *For Further Information and Technical Assistance.* You may contact Myron P. Newry or Denise L. Brooks of the FHIP Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 1–800–290–1617 (this is a toll-free number). Contained in Appendix A of this NOFA is a Question and Answer section, please review this for answers to some of your questions.

Satellite Broadcast. HUD will hold an information broadcast via satellite for prospective applicants to learn more about the program and preparing applications. For more information about the date and time of this broadcast, you should consult the HUD web site at http://www.hud.gov/grants.

II. Amounts Allocated

In Fiscal Year 2002, $20,250,000 was appropriated for the Fair Housing Initiatives Program. This amount is being made available on a competitive basis to eligible organizations responding to this NOFA. The amount available for each Initiative or Component and the maximum amount of funds that can be awarded for each grant are specified as follows:

(A) *Private Enforcement Initiative (PEI).* Approximately $11,825,000 million is allocated; maximum award is $275,000 per grant; project duration is 12 to 18 months.

(B) *Education and Outreach Initiative (EOI).* Approximately $6,325,000 million is allocated to the Regional/Local/Community-Based Program and a National Program. The maximum award is $100,000 for the Regional/Local/Community-Based Program and the project duration is 12 months. The maximum award for the National Program is $1,000,000 and the project duration is 12 months for the Media Campaign Component and 24 months for the Fair Housing Awareness Component. EOI has four Components: Regional/Local/Community-Based Programs:

(1) EOI—General Component. Approximately $3,500,000 million is allocated.

(2) EOI—Disability Component. Approximately $825,000 is allocated.

National Program:

(3) Media Campaign Component. Approximately $1,000,000 is allocated.

(4) Fair Housing Awareness Component. Approximately $1,000,000 is allocated.

(C) *Fair Housing Organizations Initiative (FHOI).* Approximately $2,100,000 is allocated; project duration is three years. Maximum award is $1,050,000 allocated over a three year period at up to $350,000 per year.

III. Program Description; Eligible Applicants; Eligible Activities

A. *Program Description.* The Fair Housing Initiatives Program (FHIP), 24 CFR part 125, assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with the substantially equivalent fair housing laws administered by state and local government agencies [Fair Housing Assistance Program Agencies (FHAP)]. Applications submitted for funding under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices. Applications selected for funding under PEI and FHOI must comply with the *Mandatory Referral* requirement described in Section IV(B) of this NOFA.

B. *Changes to this year's NOFA.* To improve the FHIP NOFA, a number of changes have been made this year. There are 2 new EOI National Program Components: the Media Campaign and the Fair Housing Awareness Components. The project duration for EOI Regional/Local/Community-Based Program and the National Program Media Campaign awards is 12 months and for the National Program's Fair

Housing Awareness Component 24 months. For FHOI, the project duration is 3 years. Changes also have been made in how the applications are rated.

For EOI: See Section V (D) ''Factors for Award Used to Evaluate and Rate Regional/Local Community-Based Applications'' of this NOFA on changes to EOI—General.

For FHOI: HUD has determined that rural areas and areas with immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited English proficiency) are underserved. These underserved areas include: the Colonias, rural areas, or areas that contain large concentrations of persons protected under the Act where either no public or private fair housing enforcement organization exists or the jurisdiction is not sufficiently served by one or more public or private fair housing enforcement organizations.

For PEI: We have increased the award cap from $250,000 to $275,000. In addition, we have eliminated the requirement that applicants with current PEI grants be excluded from participating in this year's NOFA.

Finally, for PEI and FHOI, a total of 5 points will be deducted if the applicant is an organization that has received FHIP funding in the past to conduct enforcement-related activities has not complied with the program requirements regarding mandatory referrals and reimbursement of the Federal government for compensation resulting from FHIP-funded enforcement activity. If you have received PEI funds previously, your application should clearly state how you have complied with this requirement.

Other Changes. This year HUD will take into account an applicant's past performance in evaluating applications for funding. HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition. All other applicants who have not received FHIP funding, or have received FHIP funding prior to 1998 will be evaluated on past performance as outlined in Rating Factor 1.

Finally, applicants must submit with their application a written code of conduct and a description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct (See General Section). [Additional clarification is provided in Appendix A, Most Frequently Asked Questions.]

Bonus Points: See General Section III (C) ''Factors For Award Used to Evaluate and Rate Applications'' for information on how Bonus Points will be awarded under this SuperNOFA.

C. *Ineligible Activities.* You are reminded to read carefully the eligibility requirements for each Initiative and Component. Enforcement-related activities are not eligible for funding under EOI and there is a limit on the amount of education-related activities that can be funded in an enforcement grant (PEI or FHOI). No awardee may use FHIP funds to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104(f)).

D. *Priorities.* Immigrant populations (especially racial and ethnic minorities who are not English speaking or have limited proficiency in English) often face formidable barriers because of discriminatory housing practices. It is especially important that fair housing services be directed to these underserved and immigrant populations and to the specific types of discrimination they may encounter. All applicants are encouraged to address the fair housing needs of these populations.

For FHOI, HUD will fund applications that purpose to provide services in underserved areas (See Section III (B)(1)(b) of this NOFA.

HUD expects applicants to address all forms of housing discrimination covered under the Fair Housing Act. In addition, since the September 11, 2001 attacks in the United States, incidents of bias based on religion and national origin have been on the rise. Applicants should specifically address discrimination under the Fair Housing Act based on national origin and religion and describe education and outreach efforts to these vulnerable communities to provide information about their fair housing rights.

Finally, HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation. Applicants submitting applications to the Education and Outreach National Program's two Components (Media Campaign Component and Fair Housing Awareness Component) must address this need. For the Media Campaign Component, applicants are required to provide a centralized and coordinated effort for the development and implementation of a fair housing media campaign designed to educate the public about their fair housing rights. The Fair Housing Awareness Component will provide education and outreach to promote public awareness on predatory lending.

(A) *Private Enforcement Initiative (PEI).* This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent State and local fair housing laws. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (see Mandatory Referrals, Section IV below).

(1) *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and qualified fair housing enforcement organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, within the three years prior to filing this application, (24 CFR 125.103). You must certify, in the Statement of Eligibility that you submit with this application, that your organization is an FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (Section V of the General Section of the SuperNOFA). All applicants claiming QFHO and FHO status are required also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status. However, failure to provide this document with your application is a

technical deficiency and you will have 14 days to provide the requested information (Section V of the General Section of the SuperNOFA).

(2) *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in the Statement of Eligibility that it is a private, tax-exempt organization with the requisite two years for a QFHO or one year experience for an FHO.

(3) *Eligible Activities* include:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediated agreements or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(B) *Education and Outreach Initiative (EOI).* This Initiative assists projects that inform the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of fair housing complaints and other information regarding possible discriminatory housing practices. Applications are solicited for the EOI-Regional/Local/Community-Based Program—in which activities are conducted on a regional/local/community-based level and in a National Program. You may submit your application for the Regional/Local/Community-Based General Component or Disability Component or the National Program's Media Campaign Component or Fair Housing Awareness Component depending upon its focus.

(1) *Eligible Applicants.* Eligible applicants are QFHOs; FHOs (under this Initiative an FHO is not bound by the requirement to have engaged in enforcement-related activity for at least one year, (24 CFR 125.103); public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (this category includes entities that will be established as a result of receiving an award under this FHIP NOFA); faith-based or community-based organizations; State or local governments or their agencies; and agencies that participate in the FHAP (see the list of FHAP agencies at Appendix D). If you are a disability advocacy group, faith-based or community-based organization or traditional civil rights organization, you are encouraged to apply under this Initiative.

(2) *Eligible Activities.* The following are eligible activities for EOI: conducting educational symposia; distributing existing fair housing materials throughout your project area; providing outreach and information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service housing providers, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we encourage the use of existing, locally or nationally available fair housing materials; except that you may modify those existing materials in languages other than English.

The Components for the Regional/Local/Community-Based Program are described below:

Disability Component. Applications that emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and more fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the EOI—Disability Component. Although the Component has a disability focus, the funded activities must provide education and outreach to all persons protected under the Act.

General Component. Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component. One point will be awarded for applications from faith-based or community-based organizations or organizations that propose to either partner or sub-contract with faith-based or community-based organizations in conducting their work programs. Applicants who are submitting applications in conjunction with a faith-based or community-based organization must include in their application a letter of firm commitment from that faith-based or community-based organization. This letter of firm commitment must: (1) identify the faith-based or community-based organization; (2) identify the activities/tasks to be undertaken by the faith-based or community-based organization under this project; and (3) be signed by the individual or organization with legal authority able to make commitments for the organization.

Finally, up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA.

The Components for the *National Program* are described below:

Media Campaign Component. Activities for funding must provide a centralized, coordinated effort for the development and implementation of a fair housing media campaign designated for FY 2003 Fair Housing Month activities. Additional information on the EOI-National Program is contained within this NOFA under the Factors for Award—National Program Media Campaign Component.

Fair Housing Awareness Component. Grantees must conduct a national campaign to educate the public on the dangers of abusive lending practices that target specific neighborhoods or vulnerable segments of the population. Additional information on the EOI National Program is contained within this NOFA under the Factors for Award—National Program Fair Housing Awareness Component.

(C) *Fair Housing Organizations Initiative (FHOI).* This Initiative provides assistance to projects that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing enforcement activities in underserved areas (as defined in Section IV) with large concentrations of persons protected by the Act. This is accomplished with the assistance of a sponsoring organization. It is the sponsoring organization that submits the application under this Initiative. The sponsored organization whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three

years contingent upon annual performance reviews. Funds are allocated under this NOFA for 3 years and may be distributed to the sponsored organization by the sponsoring organization. The sponsoring organization may expend FHIP funds for administrative costs as described below. HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to the Colonias, rural areas, or to areas with large concentrations of individuals who fall within one or more categories protected under the Act and who are immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency).

(1) *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO) with at least 2 years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the 3 years prior to the filing of this application, as defined at 24 CFR 125.103. You must certify in the Statement of Eligibility that you submit with this application that your organization is a QFHO. Remember, if you fail to submit the completed Statement of Eligibility (Appendix C), this will be a technical deficiency and you will have 14 days to provide the requested materials (see Section V of the General Section of the SuperNOFA on technical corrections that do not affect scoring). You are also required to submit a copy of your IRS tax-exempt status with your application. However, failure to provide this document with your application is a technical deficiency, and you will have 14 days to provide the requested information (see Section V of the General Section of the SuperNOFA).

Eligibility of Successor Organization. HUD recognizes that a QFHO may merge with one or more organizations. The merger of a QFHO into a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO status upon the successor organization. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will consider the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it can establish that it is a private, tax-exempt organization with the requisite 2 years of experience as a QFHO.

(2) *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year 3 of the grant cycle:

(a) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(b) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(c) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(d) Costs and expenses of litigating fair housing cases, including expert witness fees.

(3) *Administrative Costs for the Sponsoring Organization.* The sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant

IV. Program Requirements

(A) Requirements for All Initiatives.

In addition to the Threshold Requirements in Section II(B) of the General Section of this SuperNOFA, your FHIP-funded program application must also meet the following requirements:

(1) *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

(2) *Broad-Based and Full-Serviced.* Your organization must conduct a broad-based and full-service enforcement project that addresses discrimination against all persons protected by the Fair Housing Act on the basis of race, color, religion, sex, disability, familial status, or national origin.

(3) *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD goals, identify performance measures/outcomes in support of those goals, describe your proposed record-keeping and evaluation systems, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve. Your application also must contain a strategy for generating project products, with related timelines and milestones. In addition, you must include in your application and work plan program measures to ensure that promises made in your application for persons to be assisted, timelines and budgets to be followed, and results to be achieved can be accounted for and independently assessed to ensure performance goals have been met. Applicants who have included means of assessing progress, tracking performance goals and achievements against promises made in the application will receive higher rating points. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed grant agreement.

(4) *Reports and Meetings on Performance Measures and Products.* You are required to report quarterly on the status of project products against your approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements. In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department.

(5) *Single Award Limitation/ Preference Must Be Stated.* You may submit applications under all Initiatives and Components for which your organization is eligible but you will receive only one grant with the exception that successful FHOI applicants may receive a grant award under one of the other Initiatives. If you submit more than one application for funding, you must clearly state your preference in two places in each application you submit: (i) the Transmittal Letter and (ii) the Cover Page. The Selecting Official may disregard your preference if it is in the best interest of the Program to do so. Failure to submit your preference at the time of application will be treated as a technical deficiency, which may be corrected as noted in Section V of the General Section of this SuperNOFA.

(6) *Independence of Awards.* HUD will review each application separately and without reference to other applications submitted by you or others. You may submit one application to each of the Initiative/Components outlined in this NOFA. However, each application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(7) *Project Starting Period.* For planning purposes, assume a start date no later than thirty days after completion of negotiations. Negotiations are estimated to start on or before September 30, 2002.

(8) *Page Limitation and Formatting Requirements.* All pages in your application must be numbered consecutively from beginning to end. The maximum number is 10 pages per factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 point typesize. You must respond fully to each factor to obtain maximum points. Failure to: provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given Rating Factor for Award or subfactor. Failure to provide double spaced, 12 point typesize narrative responses will result in five points being deducted from your overall score (one point per factor).

(9) *Training funds.* Your proposed budget must set-aside funds to participate in HUD-sponsored or approved training ($3,000 for EOI and PEI annually; and $6,000 annually for FHOI). Requests to attend HUD-approved training must be submitted to the GTR for approval in advance of the requested training. Do not include amounts over the $3,000 or $6,000 (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD may modify your budget, reallocating the appropriate amount for training.

(10) *Payment Contingent on Completion.* Payment of FHIP fund is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

(11) *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

(12) *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

(13) *Complaints Against Grantees/Cooperative Agreements.* Each FHIP grantee/cooperative agreement is overseen by a HUD Grant Officer. Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant/cooperative agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, or cooperative agreement terms or conditions or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

(14) *Avoiding Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project to any other Federal project.

(15) *Ineligible Activities.*

(a) *Fair Housing and Free Speech.* None of the amounts made available under this NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

(b) *Insurance Testing.* HUD will fund organizations who conduct insurance-related enforcement work under the FHIP, but no project will focus exclusively on this issue.

(16) *Key Personnel.* If your organization is selected for award, you must certify to HUD (HUD Form 40076) whether any staff member identified in the proposal or proposed to be hired (including signator on the SF–424) has been convicted of a felony or crime involving fraud or perjury. In advising HUD, you must specify the crime(s) for which the person was convicted, the date entered, and the penalty received and submit a copy of the report from the police or court documenting the conviction. Depending upon the facts, HUD may place special conditions upon the grantee or the particular person's participation in grant funded activities.

(17) *Definitions.* The definitions that apply to this FHIP section of the NOFA are as follows:

Broad-based proposals those that include activities that are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination covered under the Act, such as: rental, sales and financing of housing. (See also Full Service Projects below)

Colonias (See General Section).

Complainant means the person (including the Assistant Secretary) who files a complaint under Section 810 of the Act.

Disability advocacy groups mean organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers, and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

Enforcement proposals are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD involvement.

Fair Housing Act means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

Fair Housing Assistance Program (FHAP) Agencies mean State and local government agencies that administer laws substantially equivalent to the Act, as described in 24 CFR part 115 and receive FHAP funds.

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

Faith-based and Other Community-based Organizations (See General Section).

Full-service projects must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Meritorious claims mean enforcement activities by an organization as defined in 24 CFR 125.103.

Operating budget means your organization's total planned budget expenditures from all sources, including

the value of in-kind and monetary contributions, in the period for which funding is requested.

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

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

Rural Areas, according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population (i.e., city) or 20,000 inhabitants or more; territory, persons and housing units in the rural portions of 'extended cities.'

(iii) The rural portions of extended cities in the United States as identified by the U.S. Census Bureau.

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

(v) Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area.

Traditional Civil Rights Organizations mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

Underserved Areas mean jurisdictions that contain large concentrations of persons protected under the Act and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations. (See definitions of Colonias, Faith-based and Community-based organizations above).

Underserved Populations mean groups of individuals who fall within one or more of the categories protected under the Act and who are also: (1) Of an immigrant population (especially racial and ethnic minorities who are not English-speaking or with limited English proficiency), (2) in rural populations, (3) persons living in the Colonias, (4) the homeless, and (5) persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts.

(18) *Grant/Cooperative Agreements.* The type of funding instrument HUD may offer a successful applicant will be a grant/cooperative agreement which sets forth the relationship between HUD and the grantee where the principal purpose is the transfer of funds, property, services, or anything of value to accomplish a public purpose. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will monitor your progress using provisions of your grant/cooperative agreement to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives would be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your grant/cooperative agreement funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

(19) *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order between Initiatives as follows:

(a) for EOI, any remaining funds from any component will be reallocated first within the Initiative; if after reallocating funds within the Initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

(b) for PEI, any remaining funds will be reallocated to EOI then to FHOI;

(c) for FHOI, left over funds will be reallocated to PEI then to EOI.

Reallocated funds will be awarded within Initiative as described in Section V of this NOFA.

(20) *Affirmatively Furthering Fair Housing.* A separate AFFH submission is not required for FHIP because the purpose of the program is to further fair housing.

(21) *Conducting Business in Accordance with Core Values and Ethical Standards.* (See General Section. Refer also to the discussion on Code of Conduct above).

(22) *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) 2 weeks before release for approval and acceptance.

(23) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses.* See General Section.

(B) Additional Requirements For PEI and FHOI

(1) *Mandatory Referrals.* You must refer to HUD all cases arising from FHIP-funded enforcement activities. In all FHIP-funded cases where you find a basis for filing a complaint on behalf of a complainant other than your organization, you must file the complaint with HUD unless the complainant declines to do so in writing. In addition to filing complaints with HUD, a complainant may file a civil action in Federal or State Court.

(2) *Outreach Expenses.* The funds awarded for enforcement grants may be used for outreach and education activities (hereafter, outreach activities) in order to promote awareness of your project's services, as follows: under FHOI, you may provide for up to 10 percent of the requested funds for the sponsored organization to be used for outreach activities; under PEI, you may designate up to 5 percent of the requested funds for outreach activities.

(3) *Tester Requirements.* Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test; except to the extent that they could recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage of any party in a case;

(c) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(4) *Review and Approval of Testing Methodology.* If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities:

(a) The testing methodology to be used,

(b) The training materials to be provided to testers, and

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

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(5) *Conflict of Interest and Use of Settlement Funds.*

(a) You may not solicit funds from or seek to provide fair housing educational or other services or products for compensation either directly or indirectly to any person or organization that has been the subject of FHIP-funded testing by your organization during the 12-month period following the test. This does not preclude providing training or technical assistance that is court ordered or contained in a negotiated settlement. HUD reserves the right to impose additional provisions addressing potential conflicts of interest.

(b) You must reimburse the United States for FHIP-funded activities whenever you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing. You must provide information about reimbursements and/or potential reimbursements in a report that you submit to HUD (see Reports below). Terms for reimbursing the United States will be specified in your grant or cooperative agreement. This reimbursement requirement does not apply to compensation received as a result of a judgment in Federal or State Court. Calculate your reimbursement on a per complaint basis. Identify the complaint, then subtract the amount of non-FHIP funds from the amount of FHIP funds used to resolve the complaint. The difference is the amount owed. For example:

FHIP grant of $15,000 ($10,000 which is for testing: 20 tests @ $500 each). One test results in a $15,000 conciliation/settlement. Additional expenses paid from non-FHIP funds: $100.

Total FHIP funds for the settlement activity that resulted in collected funds: $400.00 Calculation

$500 (Amt. of FHIP funds in activity resulting in conciliation/settlement) – *$100 (Non–FHIP funds used in the same activity)*

Total $400 to be repaid to HUD.

(6) *Reports.* You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the number and basis of complaints filed with HUD, with a FHAP agency, or in Federal/State Court as well as the number and terms of settlements or other outcomes achieved. If HUD does not prescribe a format or frequency, you will provide a narrative report within 90 days after all grant activities have ended or at the end of each 12-month period of the grant, whichever comes first. You do not have to disclose the terms of settlements or judgment that a court or other tribunal orders be kept confidential. You will also be required to provide status reports on case referrals you have made to HUD or a FHAP agency. These reports are for enforcement purposes and will remain confidential.

(7) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) in a format prescribed by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; the entity to which the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(8) *Attachments.* All PEI and FHOI applicants must submit a Statement of Eligibility. All applicants must submit resumes, or position description in lieu of resume, of all key personnel; for those who have received funding for other projects, a copy of the most recent performance assessment from the funding source, if it was a HUD funded project, the most recent SF 269. In addition, FHOI, and PEI applicants must submit the Internal Revenue Service's, Letter of Determination declaring your Section 501(c)(3) status as a tax-exempt organization.

(C) Additional Requirements for Education and Outreach Initiative

Complaint Referral Process. EOI activities do not end with the delivery of educational activities. Their purpose is to enable persons who believe they have experienced housing discrimination to file complaints for investigation and relief. EOI applicants must develop a process for referring fair housing complaints to HUD or substantially equivalent entities under the Act. HUD expects this complaint referral process will result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

(D) Additional Requirements for Fair Housing Organizations Initiative

Sponsored organization's viability and fair housing enforcement capacity. Over the duration of the grant, the sponsored organization must demonstrate its capacity to become a viable, fair housing enforcement organization that conducts fair housing-related enforcement activities and leverages non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when HUD evaluates your application. We will look for this description in your response to Rating Factor 3: Soundness of Approach. Specifically, the application must address:

(a) Fair Housing-related enforcement activities. The sponsored organization must conduct all enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. Your application must identify which activities the sponsored organization will conduct at the end of the grant year 1, 2 and 3. Your performance measures will be based upon this description, and failure to meet them may result in termination of your grant or cooperative agreement.

(b) Organizational resources. The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements. Your performance measures will be based upon these requirements, and failure to meet them may result in termination of the grant.

V. Application Selection Process

(A) Screening/Threshold Review

Only applications that satisfy all of the applicable requirements under this NOFA will be considered for funding. Applicants meeting any of the following conditions are ineligible.

(1) *General Section Requirements and Procedures.* If you do not meet the Threshold Requirements set forth in Section II (B) of the General Section of this SuperNOFA.

(2) *Debarment and Suspension.* If your organization is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency.

(3) *Maximum award.* If you request funding in excess of the maximum allowed under the Initiative or Component for which you are applying your application is ineligible. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive.

(4) *Research Activities.* If 25% or more of your project is aimed solely and primarily at research. Also, your application should not require any surveys or questionnaires.

(5) *Eligibility Applicants.* If you do not meet the eligibility requirements for PEI and FHOI. For PEI, you must be a FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. For FHOI, you must be a QFHO.

(6) *Tax Exempt Status.* If you are not a tax-exempt, nonprofit, charitable organization. For PEI and FHOI, you must be a 501(c)(3) tax exempt organization as determined by the Internal Revenue Service (IRS). Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the deadline date of this NOFA, in support of your 501(c)(3) tax-exempt status.

(7) *Media-based Applications.* Applicants who submit applications under the EOI National Program Media Campaign must have as its primary responsibility advertisement and media and have at least 5 years of experience as an advertisement/media organization, or if the applicant is not a media organization, it must include as part of its proposal a subcontract with an established media/advertising or public relations organization, that has experience in conducting national media campaigns. Applicants that fail to meet this requirement or include such subcontract arrangements in their proposals will be ineligible for funding. Further, for-profit awardees must adhere to OMB Circular A–122.

(8) *Poor Performance.* HUD will assess performance ratings for applicants who have received FHIP funding in 1998, 1999, or 2000. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2002 competition. An applicant that does not agree with its determination of ineligibility for the FY 2002 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application remains ineligible. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

(9) *Suits Against the United States.* Your application is ineligible if as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(10) *Other Litigation.* Your application is ineligible if any recipient under this Program used any funds provided by HUD to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 124.104).

(B) *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP Initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following Initiatives or Components:

(1) Private Enforcement Initiative (PEI)

(2) Education and Outreach Initiative

(a) Regional/Local/Community-Based Program:

i. General Component (EOI—GC)

ii. Disability Component (EOI—DC)

(b) National Program:

iii. Media Campaign Component

iv. Fair Housing Awareness Component

(3) Fair Housing Organizations Initiative (FHOI)

All eligible applications will be reviewed and points awarded based upon: (1) your narrative responses to the Factors for Award and accompanying materials (e.g., resumes) and (2) bonus points, if entitled. The maximum number of points to be awarded for the Rating Factors is 100. See Section III (C) of General Section for discussion on Bonus Points. Applications with a score of seventy (70) points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy (70) points. Generally, applications of sufficient quality for funding will be selected in simple rank order under each Initiative or Component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each Initiative or Component, as described in Section V (C) below. Selections under each Initiative or Component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

(B) Tie Breaking

When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher.

(C) Achieving Geographic Diversity of Awards

(1) *PEI and EOI.* HUD reserves the right to select applications out of rank order under geographic diversity, to ensure that, to the extent possible, applications from more states for each Initiative or Component are selected for funding. If the Selecting Official exercises this discretion, it shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 70 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity provision will be applied as follows: when there are two or more applications

of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

(2) *FHOI.* The geographic diversity selection procedures described in paragraph V(C)(1) will be used for FHOI for activities proposed in the same state.

(D) *Factors for Award Used to Evaluate and Rate PEI, FHOI and EOI Regional/Local Community-Based Applications.* The factors for rating and ranking applications and the maximum points for each Rating Factor are described below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for obtaining a concise summary of the proposed activities is not considered in the rating of applications. Please respond fully to the criteria in each Rating Factor and sub-factor and, when directed, provide other information in support of your response. The Factors for Award are set out as follows:

In general. This section applies to **all** PEI, FHOI, and EOI Regional/Local Community-Based applicants. Your responses to each Rating Factor and including the ''In Addition'' section below must not exceed 10 page Rating Factor requirement.

In Addition. This section identifies issues to which you must respond, if required, by the particular Initiative or Component for which you are applying.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. You must also provide performance assessments conducted by your funding sources, including HUD, that have been done of your organization's performance of these activities. Such performance assessments must be signed by or attached to a transmittal signed by the authorized representative of the funding source(s).

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors.

(a) (5 Points) *Number and expertise of staff (this includes subcontractors and consultants).* You must show that you will have sufficient, qualified staff who will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(i) Identify, by name and/or title, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience would be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(ii) Attach resumes, or position description in lieu of resumes, for all key personnel. (Resumes do not count against the ten-page limit.)

(iii) Describe the qualifications to be considered in the selection of staff or contractors (and their staff) that will be assigned or hired at a later date, when you expect they will begin working on the project and how project activities will be carried out until then. Assume a start date of September 30, 2002.

(iv) Describe the racial/ethnic diversity of project staff and the applicant's governing board. If there is no diversity, please explain. No explanation of the lack of diversity will result in less points being awarded.

(v) Include a chart showing availability of all named personnel during the proposed period of activity.

(b) (10 Points) *Organizational experience.* In responding to this subfactor, you must show that your organization has: (i) Conducted a past project or past projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (ii) engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last 3 years to be recent, experience pertaining to the specific activities to be relevant, and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. If the applicant organization has not engaged in projects similar to the scope and activities proposed in the application, two (2) points will be deducted.

In addition. If you are applying for funding under PEI or FHOI, provide the following information when responding to this subfactor:

(i) Respond completely to all questions in the Statement of Eligibility. (A copy of a blank Statement of Eligibility appears in the Appendix C to this NOFA.) For PEI, you must clearly state whether you are a QFHO or an FHO. You must provide information that establishes that your organization has engaged in each of the enforcement-related activities, for at least one year (if you are an FHO) or two years (if you are a QFHO). For FHOI, you must be a QFHO.

(ii) Describe the procedure you will use to ensure that testers comply with the requirements in Section IV (B) (3) of this program NOFA.

(iii) If you propose to conduct testing (other than rental or accessibility testing) projects proposing testing in the specific areas (for example, if testing is for sales of housing, your application should outline your sales testing experience) should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured.

FHOI. Provide a statement of organizational capacity and experience of the sponsored organization.

In general. (c) (5 Points) *Performance on past project(s).* You must describe your organization's past performance in conducting activities relevant to your

proposal, in the past three years (including FY 1998–2000 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

5 points will be deducted if you obtained any ''fair performance'' assessment;

3 points will be deducted if you obtained any ''good performance'' assessment; and

0 points will be deducted if you obtained any ''excellent performance'' assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity's performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

3 points will be deducted for failing to meet target dates and schedules for performance; and

2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience, you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and size and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit report will receive a lower score for this sub-factor than those that do.

In addition. (a) If you have received an FHOI or a PEI award under the FY 1998, 1999 or 2000 FHIP NOFA, you must:

(i) Discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities requirement, as described in the FY 1998, 1999, and 2000 NOFAs. Three (3) points will be deducted for this subfactor if you do not show in your application compliance with the requirement.

(ii) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two (2) points will be deducted for this sub-factor if you have not complied with the requirement.

Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem in the target area. You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need. You must also describe whether you and/or your project are not served by a State or local FHAP agency.

(a) (15 Points) *Documentation of Need.* To justify the need for your project, you must describe the following:

(1) The fair housing need, including:

(a) Geographic area to be served;

(b) Populations protected by the Act that will be served—your project must serve all persons protected by the Act; and

(c) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability. You must submit data and studies that support this indication.

(2) The urgency of the identified need. For example:

(a) The consequences to persons protected by the Act if your application is not selected for funding;

(b) The extent to which the organizations provide the services identified in your application;

(3) Other sources that support the need and urgency for this project. For example, use reports, statistics, or other data sources that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD web at ''www.hud.gov.''

If the fair housing needs you have identified are not covered under the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or if your locality does not have a CP or AI, you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. If your application addresses needs that are identified in the AI, you will receive more points than applicants located in an area with an AI that do not relate their program to the identified needs in the AI. For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

(a) how the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) why, in light of other on-going efforts, the additional funding you are requesting is necessary.

In addition, with respect to (a) Documentation of Need, the following apply to specific FHIP Initiatives or Components:

EOI—Disability Component. Your project must serve all persons protected by the Act.

FHOI. HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to underserved areas and to areas with large concentrations of individuals who fall within one or more categories protected under the Act who are immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). Although HUD has targeted these areas, you are still required to justify the need for the sponsored organization by: (i) demonstrating the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability and submit data and studies that support your claim; and (ii) explain

why the project area is underserved and why the proposed sponsored organization is needed. Your proposal must serve all persons protected by the Act.

(b) (5 Points) *Underserved Areas.* Up to five points will be awarded when the applicant *and* project area are not served by a State or local FHAP agency. In instances where the applicant is located in an area not served by a FHAP agency but the project activities are conducted in various geographic areas, some that are not served by a State or local FHAP agency, points will be awarded as follows:

5 points will be awarded if more than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

4 points will be awarded if more than 60% but less than 80% of the activities are conducted in areas not served by a State or local FHAP agency.

3 points will be awarded if more than 40% but less than 60% of the activities are conducted in areas not served by a State or local FHAP agency.

2 points will be awarded if more than 20% but less than 40% of the activities are conducted in areas not served by a State or local FHAP agency.

1 point will be awarded if less than 20% of the activities are conducted in areas not served by a State or local FHAP agency.

You must indicate whether (a) you are located in an area that is served by a State or local FHAP agency (see Appendix C for a list of FHAP agencies); (b) the activities you propose will be conducted in a project areas served by a State or local FHAP agency; and (c) explain why the project area is underserved and/or why the proposed organization or activity is needed.

Attachments. None required.

Rating Factor 3: Soundness of Approach (40 Points)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Also attach a SOW and budget. Your proposed activities must support HUD's goals.

(1) (4 Points) *Support of HUD Goals.* Describe how your proposed project will further and support HUD. For FY 2002 FHIP applications, address the following:

A. *EOI.* (i) Applicants that are faith-based and other community-based organizations that propose to either partner or sub-contract with faith-based and other community-based organizations in conducting their work programs will receive one point under this sub-factor. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s).

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who partner or sub-contract with faith-based or community based organization in conducting their work program and submit a referral process will receive two points.

(b) Applicants who partner or sub-contract with faith-based or community-based organization in conducting their work program and do not submit a referral process will receive one point.

(ii) Up to three points will be awarded for applications specifically addressing housing discrimination based on national origin and religion since the September 11, 2001 attacks, as described in Section III(D), Priorities, of this NOFA. Please describe the following:

(I) Project purpose.

(II) Persons to be served.

(III) Geographic area to be served.

(IV) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s), and

(V) The methodology you will use to carry out these activities and tasks.

(a) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and submit a referral process will receive three points.

(b) Applicants who target outreach activities to specifically address discrimination under the Fair Housing Act based on national origin and religion since the September 11, 2001 attacks and do not submit a referral process will receive two points.

B. PEI, FHOI, and EOI—Disability

Should discuss their project purpose and proposed activities, persons to be served, geographic areas and methodology.

In addition. If you apply under the:

EOI. Describe how activities or final products can be used by other organizations and agencies. Also, describe the elements of the complaint referral process you will develop as a task under this grant. Explain how this referral process will result in an increased number of referrals to HUD.

FHOI. Over the course of the grant, the sponsored organization must conduct fair housing-related enforcement activities and leverage non-FHIP resources. These are the performance measures that, if not met, may result in termination of the grant, and your description for achieving these measures will be considered when evaluating your application.

PEI/FHOI. Describe a procedure to ensure that referrals of all complaints are made as required by this NOFA. Your description should include safeguards to ensure that referred complaints are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

You may conduct limited outreach activities (for PEI and for FHOI), as described in section IV (B)(2). This must be reflected clearly in your SOW and Budget.

(2) (5 Points) *Performance Objectives and Measures.* Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. You will receive higher points under this subfactor if your application clearly states a specified set of performance criteria and outcomes that can be measured. Clearly identify the results of the proposed activities and what you will use to measure performance. The expected outcomes of your proposed activities should support HUD's strategic goal of ''Ensuring Equal Opportunity and Access to Housing.'' You will receive fewer points if you fail to develop measurable objectives with respect to your stated activities.

Information Requirements. For PEI and FHOI, your application must include a description of the enforcement proposals to be referred to HUD. Your description must explain the information (see 24 CFR 121.2) you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in

place to ensure that referrals of all complaints are sent to HUD. Failure to provide this description of your procedure will result in the reduction of 2 points for this subfactor.

(3) (15 Points) *Proposed Statement of Work (SOW) and Financial Management.* The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget. See Section VI for submission requirements.

Statement of Work—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (e.g., you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors. The tasks identified in the SOW should be related to the proposed budget (See Appendix C for sample SOW).

Financial Management Capacity. Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

(4) (16 Points) *The Budget Form and the Budget Information*—HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response, you must prepare a budget that: (1) is reasonable and cost-effective in achieving the goals identified in your proposed SOW; (2) relates tasks in the SOW to the proposed budget costs; (3) is cost-effective; (4) is quantifiable based on the Need identified in Factor 2; and (5) documents and justifies all cost categories in accordance with the cost categories indicated in the Budget Narrative Workplan that is discussed in more detail in paragraphs (a) through (j) below.

Cost Effectiveness of Program. Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

FHOI Provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year 3.

In addition:

Your Non-Construction Programs SF–424A must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan must include information such as quotes obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget. It must explain and attach back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations 41 CFR 301.11) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the 10 page limit) must address the following for maximum points.

(a) *Direct Labor—by position or individual,* specify the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(b) *Fringe Benefits—by staff position,* identify the rate, the salary base on which the rate was computed, estimate the cost per position, and the total estimated fringe benefits cost;

(c) *Material Costs—indicate the item,* unit costs per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(d) *Transportation Costs*—where use of a local private vehicle is proposed, costs must indicate the proposed number of miles (travel costs should be consistent with Federal Travel Regulations), rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destinations, the estimated costs, and the total estimated costs for any other transportation costs.

(e) *Per Diem*—you must identify per diem or subsistence costs per travel day, the number of travel days, and the estimated costs for per diem/subsistence, which should total estimated transportation costs. You must use the Federal Travel Regulation for per diem rates for cities listed under ''Transportation Costs'' in your costs estimates.

(f) *Equipment charges*—must identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(g) *Consultant Costs*—indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(h) *Subcontract Costs*—identify each proposed subcontract and amount (each proposed subcontract must include a separate budget that identifies proposed costs by cost categories). If applicable, your project budget must include any costs related to subcontract(s) with the FHAP agencies and disability advocacy and/or traditional civil rights organizations that account for activities related to the subcontractor's role in the project. Your application must include a separate detailed budget for each subcontract.

(i) *Other Direct Costs*—listed by item, quantity, unit costs, total for each item listed, and total direct costs for the award; and

(j) *Indirect Costs*—identify your approved indirect cost rate base to which the rate applies and total indirect costs. If you do not have an accepted, federally negotiated indirect cost rate, you may use direct cost for all of your program costs. Alternatively you may develop a proposed indirect cost rate in accordance with Office of Management and Budget (OMB) Circular A–122, Cost Principles and Procedures for Non-Profit Organizations, and provide supportive documentation on this calculation. You must establish your approved indirect cost rate base in accordance with Circular A–122. Organizations that have previously

established indirect cost rates should not include direct costs in their indirect category.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

Firm Commitment of Leveraging. HUD encourages you to secure resources from sources other than what is requested from this program. Community resources may include funding or in-kind contributions, such as work space or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other HUD programs), public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must: (i) Identify the organization and/or individual committing resources to the project, (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of those resources (Do not include indirect costs within your in-kind resources. In-kind and matching contributions and Program Income must be in accordance with part 84.23 and 84.24). No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your community. The commitment is firm even if the offer is contingent upon HUD making an award under this program NOFA.

For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for PEI and EOI based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than 5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

For FHOI, 3 points will be awarded if more than 5%, but less than 10% of the project's total cost are from non-FHIP resources.

5 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

7 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if at least 30% of the project's total costs are from non-FHIP resources.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you develop interrelationships, provide increased independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You are encouraged to join together and pool all available resources in a common, coordinated effort. You should relate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and create partnerships with other activities in the community. In evaluating this factor, HUD will consider the extent to which you demonstrate:

(a) You have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner.

(b) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments;

(c) The extent to which your application addresses outreach activities to promote awareness of project activities. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those in your target areas. Such increased independence can result from such benefits as reducing discrimination practices, increasing awareness of the Act; increasing homeownership; eliminating barriers to housing choice or overcoming the impediments identified in the AI. For the EOI—Disability Component, you should demonstrate how the activities will assist the Department in implementing the Olmstead Supreme Court decision.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on State, local and private funding so your activities can be continued after your grant award period is completed.

E. Factors for Award Used To Evaluate and Rate Applications for the National Education and Outreach Initiative Program

The factors for rating and ranking applicants and the maximum points for each factor, are provided below. The maximum number of points awarded any application is 100. Bonus points are not available for this category of funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large information campaign projects as appropriate, on a national scale. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

(5 Points) General Description of Applicant Organization and Relevant Experience.

In rating this factor, HUD will consider the extent to which the applicant demonstrates:

(a) The qualifications of the applicant organization; the type of organization (e.g., public, private, non-profit, for profit); and the organization's general areas of activity or line of business.

(b) If the applicant has managed large, complex, interdisciplinary projects, the applicant must include information on them in its response.

(c) Awards and major accomplishments of the applicant organization must be described. HUD will also consider any documented evidence, such as performance reviews, newspaper articles, or monitoring findings that may reflect positively or negatively upon the ability of the applicant and its proposed staff to perform the work.

(d) The applicant's capability in handling financial resources with adequate financial control procedures and accounting procedures. In addition, HUD will consider findings identified in applicants' most recent audits; accuracy of mathematical calculations; and other available information on financial management capability.

(i) For the Media Campaign Component—Applicants must describe their ability to effectively develop, implement, and manage a media campaign on a national scale. (Applicants must be or include as part of their proposal a subcontract with an established media/advertisement organization that has experience in conducting national media campaigns.) Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their and/or subcontractor's ability to implement a coordinated national marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this subfactor, the applicant must describe the extent to which its and/or subcontractor's past activities have resulted in successful national media campaigns as appropriate, especially with respect to developing and implementing innovative strategies resulting in positive public response.

(ii) For the Fair Housing Awareness Component—Applicants must describe their ability to develop, implement and manage a national campaign to raise the public's awareness of subtle abusive and deceptive discriminatory housing loans and mortgage lending practices. You must describe your ability to understand fair housing issues/policies/practices. In responding to this subfactor, describe your knowledge of the sub-prime lending market and your past experience in developing and implementing innovative strategies in combating subtle abusive and deceptive lending practices on a nationwide basis.

(10 Points) Specific Description of Staff for Proposed Activities. The applicant must demonstrate that it has or will have sufficient personnel or will be able to quickly access qualified experts or professionals to deliver the proposed activities timely and effectively, including the readiness and ability of the applicant to immediately begin the proposed work program. Also the applicant must demonstrate relevant knowledge and experience of the overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. To demonstrate that the applicant has sufficient qualified personnel, the applicant must submit the proposed number of staff hours for the sub-contractor, employees and experts to be allocated and availability of proposed staff to the project, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to the project, and the roles to be performed by each identified employee and expert. Highly competitive applications must demonstrate that proposed staff has at least 3 years of recent and relevant experience to undertake eligible program activities or projects similar in scope or nature and directly relevant to the work activities proposed. Finally, applicants should describe their or their sub-contractor's expertise in languages other than English and in reaching the informational needs of non-English speaking audiences.

(5 Points) Consideration of Past Performance. Your past experience in terms of your ability to attain measurable progress in the implementation of your most recent and similar activities where your performance has been assessed. HUD will take into account your past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, state or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD will use information related to these measures based on information on hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following will apply to Fiscal Years 1998, 1999, and 2000 FHIP grantees:

5 points will be deducted if you obtained any ''fair performance'' assessment;

2 points will be deducted if you obtained any ''good performance'' assessment; and

0 points will be deducted if you obtained any ''excellent performance'' assessment.

For other Federal, State and local programs, include an assessment/review of the work performed under past projects. Attach a copy of the funding entity's performance assessment/review of this project, if applicable. The following will apply to funding received from other Federal, State and local programs:

3 points will be deducted for failing to meet target dates and schedules for performance; and

2 points will be deducted for failure to meet measurable program outputs and outcomes.

If you do not have a past performance assessment or prior experience you should include information such as meeting target dates, meeting program outputs and successful outcomes for projects similar in scope and give a description of the purpose of the project and what was accomplished. If audit reports are available, submit a copy of the most recent report. Those applicants that do not submit an audit reports will receive a lower score for this sub-factor than those that do.

Rating Factor 2: Need/Approach to the Problem (20 Points)

This factor addresses the extent to which the applicant documents and defines the national need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for dealing with that national need. In responding to this factor, an applicant will be evaluated on the following:

(1) The extent to which the applicant defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the problem, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the

problem as an indication of ability to address the problem; and

(2) If the applicant has experienced staff or if the applicant proposes to use a contractor subgrantee, the extent to which the applicant provides a rationale for how it will utilize its staff or a contractor or subgrantee to incorporate its proposed activities, methods, and media techniques will most effectively deal with the national need described by the applicant in response to subfactor (1), immediately above. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of the applicant's proposed work plan. The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

(5 Points) Measuring Performance Results. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance to ensure that commitments made and results to be achieved can be accounted for and independently assessed to ensure performance measurements are met. Applicants who have identified inputs and outcome measurements and included means for assessing these measures, tracking and monitoring performance goals and achievements against commitments made in the application will receive higher points than those that do not.

(15 Points) Statement of Work. Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and subcontractors.

For the Media Campaign Component—HUD anticipates that products will be available in at least 3 languages plus English. Deliverables may include Public Service Announcements (PSAs) for radio and television in both majority and minority markets, and posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged reproductions of several print PSAs, separately produced and printed posters for national public dissemination, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using a clipping service or other appropriate means to collect information on frequency and scope of the placement of ads.

For the Fair Housing Awareness Component—HUD anticipates that all proposed activities will be conducted in a manner that will reach and benefit those members of the public vulnerable to subtle abusive and deceptive mortgage lending practices (e.g. languages, formats, locations, distribution, use of minority media). Applicants may target such tactics as: Loan flipping, multiple refinancing transactions over short periods of time, balloon payments, insurance packing and other predatory lending tactics. Deliverables may include Public Service Announcements (PSAs) for radio and television, and posters and other graphic materials. Graphic materials may include, but are not limited to; enlarged reproductions of several print PSAs, and separately produced and printed posters for national public dissemination.

In evaluating this factor, HUD will consider the extent to which you submit and describe your:

(10 Points) Work Plan. Applications should include work plans that: (a) Clearly describe the specific activities and tasks to be performed, the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously, estimated completion dates, and the work and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements the applicant aims to deliver by the end of the award agreement period as a result of the work performed;

(b) Provide national media market coverage, specific protected class focus, as well as focus on persons underserved (ethnic and racial minorities, especially those who are non-English speaking or who are not proficient in English); and

(c) Describe the immediate benefits of the project and how the benefits will be measured. Applicants must describe the methods they will use to determine the effectiveness of their national marketing strategies.

(d) Ensure that your application adheres to Performance Measures as outlined in Section IV(A)(2).

(10 Points) Budget Form and Budget Information. A written budget narrative must accompany the proposed budget. The narrative (counted toward the 10 page limit) and supporting documentation (not counted toward the 10 page limit) must address the following for maximum points:

(1) Cost estimates of salary levels, staff assignments, number of staff hours, and all other budget items are reasonable, allowable, and appropriate for the proposed activities;

(2) The proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact; and

(3) The proposed program is effective by explaining and attaching back-up documentation for each cost category. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants. A breakdown of each cost category is listed in Section V(D) of this NOFA.

In addition: (4) The proposed activities will be conducted in a manner (e.g., languages, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in the individual program sections of this National NOFA;

(5) How proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations and State and local governments; and

(6) The proposed Media Campaign and Fair Housing Awareness Components make available activities, training and meeting sites, and information services and materials in places and formats that are accessible to all persons including persons with disabilities.

Rating Factor 4: Leveraging Resources (10 Points Maximum)

This factor addresses the ability of the applicant to secure other resources, which can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider:

The amount of non-FHIP resources you have identified and how firm the commitment is for those resources. HUD encourages you to secure resources from sources other than what is requested from this program. Resources may include funding or in-kind

contributions, such as workspace, donated media announcements, or equipment allocated to the purposes of your proposal. Resources may be provided by governmental entities (including other HUD programs) public or private non-profit organizations, for profit private organizations, or other entities willing to work with you in accordance with the proposed FHIP activities. If your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned based on the following scale:

2 points will be awarded if your project will be supported by non-FHIP resources, but those funds are less than 5% of the project's total costs are from non-FHIP resources.

4 points will be awarded if at least 5% and less than 10% of the project's total costs are from non-FHIP resources.

6 points will be awarded if at least 10% and less than 20% of the project's total costs are from non-FHIP resources.

8 points will be awarded if at least 20% and less than 30% of the project's total costs are from non-FHIP resources.

10 points will be awarded if more than 30% of the project's total costs are from non-FHIP resources. You must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals committing resources to the project. Each letter of firm commitment must: (i) Identify the organizations and/or individuals committing resources to the project; (ii) identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and (iii) describe how these resources will be used as part of your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the dollar value of these resources. No points will be awarded for general letters of support endorsing the project from organizations and/or individuals (including elected officials) in your project area(s).

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you develop interrelationships, provide increase independence and empowerment, and generate organizational and project self-sufficiency.

1. *Coordination*—You should address the extent to which your program provides materials, training or services and implements a coordinated process of addressing the national need by using HUD funding resources and other available resources. You must also describe how they plan to use their affiliated branches, or partner with other organizations, to distribute materials or services developed under this National NOFA for use at the local level. In evaluating this factor, HUD will consider:

(a) The extent to which you have developed interrelationships to help build nation-wide efforts that coordinates the resources of multiple applicants and programs. HUD encourages multiple entities to join together and pool all available resources in a common, coordinated effort to obtain national geographic coverage. Describe in your proposal how your project activities will be coordinated with other organizations and linked with: (i) Other on-going HUD-funded program activities; (ii) Other on-going national, Federal, State, local or privately funded activities.

(b) The extent to which your application addresses outreach activities to promote awareness of project activities. This includes: (i) a discussion of how your methods or approaches will ensure that project activities and materials are distributed nationally, regionally, and locally to groups and organizations, (ii) identification of such groups and organizations in your project area, and (iii) an explanation of how your project will promote national coordination with various groups or organizations. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your proposal.

2. *Self-Sufficiency*—You should demonstrate the extent to which your application develops solutions that result in increased independence and empowerment for those on a national level. Such increased independence can result from such benefits as reducing discrimination practices; increasing awareness of the Act; increasing homeownership; or eliminating predatory lending practices.

3. *Sustainability*—You should demonstrate the extent to which your program can become financially self-sustaining thereby decreasing your dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(F) Applicant Notification and Award Procedures

(1) *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in Section V of the General Section of the SuperNOFA and Section VII of this NOFA.

(2) *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described at Section III of the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (i.e, a subcontractor, etc.).

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

(4) *Adjustments to Funding.* As provided in Section III of the General Section of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, or where:

(a) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(b) An ineligible activity is proposed in an otherwise eligible project;

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

(d) The past record of key personnel warrants special conditions; or,

(e) Training funds are not reserved for FHIP training.

(5) *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

(6) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving written request from the applicant, provide a debriefing to the requesting applicant. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting a debriefing must send a written request to Annette Corley, Public Trust Officer, U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street SW, Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances required of applicants to all HUD programs, which can be found in the General Section of the SuperNOFA, you must submit with each FHIP application, the forms, certifications and assurances described below and found at Appendix B.

In General

When applying under any Initiative or Component you must submit the following:

(A) *Transmittal Letter.* Your transmittal letter must identify: (1) The dollar amount requested, (2) the specific FHIP Initiative, or in the case of EOI, whether for the Regional/Local Community Based Program or the National Program, and the specific Component (General or Disability, Media Based or Fair Housing Awareness), for which you are applying, and (3) your preference for selection, if you are applying to more than one Initiative or Component (does not apply for FHOI).

(B) *Cover Page.* Respond to Applicant's Preference for Award which identifies your rank order preference if submitting more than one application. Failure to submit the Cover Page will result in a correctable Technical Deficiency as outlined in Section V of the General Section of this NOFA.

(C) *Narrative Statement.* Respond completely to the instructions under each of the five Factors for Award and include the related items, such as resumes, SOW, and budget. Failure to provide the required information in the appropriate Factor will result in a lower score for that Factor—for example, information in the Project Abstract, although useful for developing a project synopsis, will not be considered when evaluating applications. The narrative responses must not exceed 10 pages per factor (required attachments are not counted); text must be double-spaced and pages numbered consecutively (starting with Factor 1 through the end of Factor 5). Please use 12 typesize for your narrative responses.

(D) Applicants must develop, maintain, and submit a written code of conduct as noted in the General Section.

Listed below are requirements by Factor for the Regional/Local Community Based Programs:

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative, Performance Assessments/Evaluation of Past Projects if Applicable

In addition:

For PEI and FHOI Applicants:

(1) *Testing Experience.* You must document your prior testing experience (see Factor 1: Capacity of the Applicant and Relevant Organizational Experience),

(2) *Letter of Determination from IRS* of your 501(c)(3) tax-exempt status, and

(3) *Statement of Eligibility.*

Award Factor 2: Need/Distress/Extent of the Problem

Narrative. Reference or submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability, and explain why the project area is underserved and why the proposed organization is needed. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative, Statement of Work, Budget Form(s), Budget Narrative

You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information. Failure to submit this information will result in points being deducted from your application. In addition, you must describe the information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints.

In addition: Depending upon the Initiative or Component for which you are seeking funding, you must respond to the following points in your narrative responses:

(a) For EOI Applicants, You must describe the elements you will use to develop the process for referring fair housing complaints to HUD.

(b) For FHOI Applicants,

(1) The sponsored organization must conduct all of these enforcement-related activities by the conclusion of year 3 of the grant: complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims. The application must specify which activities will be conducted in year 1, year 2, and year 3. Even though HUD has targeted for award projects that assist rural and immigrant populations, you must explain why the proposed fair housing enforcement organization is needed.

(2) Performance Measures. You must address the following:

(i) the sponsored organization's capacity to become a viable, fair housing enforcement organization that conducts fair housing related enforcement activities and leverages non-FHIP resources.

(ii) that the sponsored organization will meet the required performance measures for sponsored organizations and how these measures will be achieved.

Award Factor 4: Leveraging Resources—Narrative. Letter(s) of Firm Commitment

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Listed below are the requirements by Factor for the EOI—National Program Components.

Award Factor 1: Capacity of Applicant and Relevant Organizational Experience—Narrative

Performance Assessments/Evaluation of Past Projects if applicable.

Award Factor 2: Need/Distress/Extent of the Problem—Narrative

Reference and submit data and studies that indicate the need for a centralized, coordinated fair housing media designed to educate the public about their fair housing rights. Do not attach copies of reports, computer print-outs, etc. If you have tables or exhibits include them. Make sure they are referenced in the text. Attachments not mentioned in the text will not be reviewed necessarily.

Award Factor 3: Soundness of Approach—Narrative

SOW. Budget Form(s), Budget Narrative. You MUST submit a certification from an Independent Public Accountant or your cognizant government auditor on your financial management and audit information.

Award Factor 4: Leveraging Resources—Narrative

Letter(s) of Firm Commitment.

Award Factor 5: Coordination, Self-Sufficiency and Sustainability—Narrative

No attachments are required.

Audit Information—Unless you are a new Federal applicant, you must submit a certification from an Independent Public Accountant or your cognizant government auditor, stating that the financial management system you employ meets prescribed standards for fund control and accountability required by: OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A–102 (as codified at 24 CFR Part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally-Recognized Indian Tribal Governments. This information must contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable. Failure to submit this information will result in points being deducted from your application. This information must be provided before HUD will enter into a grant or cooperative agreement.

VII. Corrections to Deficient Applications

Section V of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

IX. Authority

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

APPENDIX A—FREQUENTLY ASKED QUESTIONS

Q. If data, tables, exhibits, and studies are submitted with the application, will they be counted toward the 10 page limit requirement?

A. Yes. Summarize the points you want to make in the 10 page narrative statement from the data tables, exhibits, and studies.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. Yes.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY2002 FHIP SuperNOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What are the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3: Soundness of Approach). The narrative pages must be double-spaced and you are required to use 12 typesize. Points will be deducted from your application if this criteria is not met.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.)

Applicants to PEI and FHOI are required to complete the Statement of Eligibility—where they self-identify as a QFHO or an FHO and provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontactors or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, subgrantee, or consultant exceed 10% of the grant amount, an itemized budget is required.

Q. Is an organization ''engaged in testing for fair housing violations'' if it hires an organization to subcontractor or consultant in conducting its testing program?

A. Yes, so long as the applicant analyzes the test results, and undertakes some oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. See the eligibility requirements for each Initiative and Section IV(B) of the FHIP NOFA, and the Threshold Criteria in Section V(A).

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Are there major differences between this year's SuperNOFA and last year's?

A. Yes, those differences are explained in Section III of the FHIP NOFA.

Q. At what point may a FHOI ''sponsored organization'' apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under EOI and, depending upon its record of conducting enforcement-related activities, may be eligible to apply for funds under PEI.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the SuperNOFA under the Section Address for Submitting Applications.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. HUD will not acknowledge the receipt of applications over the telephone (see General Section for return receipt requirements).

Q. What is the website address?

A. Http//www.hud.gov/grants

Q. What is the due date?

A. The due date is outlined in this NOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Lauretta A. Dixon, Myron P. Newry, or Denise L. Brooks of the [FHIP/FHAP Support Division at (202) 708–0800 (this is not a toll-free number).] Persons with hearing or speech impairments may call 1–800–290–1617 (this is a toll-free number). Technical assistance does not extend to helping you to write your individual application, but to clarify general application and program requirements.

Q. What is meant by geographic diversity?

A. See comments above in Section V.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15% administrative costs?

A. No. The education and outreach expenses can be accounted for in the budget of the organization being established or enhanced.

BILLING CODE 4210–32–P

APPENDIX B

FHEO FIELD STRUCTURE – OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO OFFICES	DIRECTORS	TELEPHONE NO.	AREA COVERED
BOSTON Hub Thomas P. O'Neill Federal Bldg. 10 Causeway Street, Room 375 Boston, MA 02222-1092	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI
NEW YORK CITY Hub 26 Federal Plaza New York, NY 10278-0068	Stanley Seidenfeld	(221) 264-1290	NY, NJ
PHILADELPHIA Hub The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC, WV, DE
ATLANTA Hub 5 Points Plaza 40 Marrietta Street, SW Atlanta, GA 30303-3388	Gregory King	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY, TN, SC, NC
CHICAGO Hub Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH, IN
FORT WORTH Hub 1600 Throckmorton Street Fort Worth, TX 76113-2905	Thurman Miles (Acting)	(817) 978-9271	TX, AR, OK, LA, NM
KANSAS CITY Hub Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA

DENVER Hub 633 17TH Street Denver, CO 80202-3607	Sharon Santoya (Acting)	(303) 672-5434	CO, UT, WY, SD, ND, MT
SAN FRANCISCO Hub Phillip Burton Federal Bldg. 450 Golden Gate Avenue San Francisco, CA 94102-3448	Chuck E. Hauptman	(415) 436-6569	CA, HI, NV, AZ, Guam
SEATTLE Hub Seattle Federal Office Bldg. 909 1st Avenue, Suite 200 Seattle, WA 98104-1000	Judith Keeler	(206) 220-5170	WA, OR, ID

INCLUDE ALL TASKS SHOWN ON THIS FORM

STATEMENT OF WORK FOR

The applicant, _____, agrees to undertake the following activities in accordance with its FY 2002 application for funding under the _____ Initiative--_____Component (if applicable) for a ___-month project commencing _____, 2002 in the geographic area of _____. For FHOI, provide a timetable for transfer of activities/responsibilities from the sponsoring to the sponsored organization.

APPENDIX C - FORMS

Forms that must be filed with all FHIP applications, in addition to the forms listed in the **General Section** are included below:

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1.			GTR/GTM
2.			GTR/GTM
3.			GTR/GTM
4.			GTR/GTM
5.			GTR/GTM
6. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report	When changes occur	GTR/GTM
7. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities	Submit SF-269A and Copy of Written Report	Quarterly	GTR/GTM
8. Voucher for Payment	Submit payment request to LOCCS	Per Payment Schedule	GTR/GTM
9. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit Listing for Recipient and any contractors	45 Days and At end of Grant	GTR/GTM
10. Prepare summary of First Year (24 month grants)	Submit summary of first year accomplishments.	395 days	GTR/GTM

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
11. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis and issue and outcomes including Number of credible, legitimate Complaints Filed with HUD, State or local Fair Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results.	One month before end of grant term.	GTR/GTM
12. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
13. Submit 2 copies of Final Report and all Final Program Products produced under the Grant (with diskette, where feasible) to HUD.	Activities and database entry sheet(s) to HUD Copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM	Within 90 days after end of grant term.	GTR/GTM/

KEY PERSONNEL

Title _____ Name _____

PROGRAM ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	List of materials requested	90 days	GTR/GTM. Submit one copy of **all final products** to HUD
2. Review/refine referral process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney	Copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM
3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and resolution/type of relief sought and received. (PEI and FHOI PROJECTS ONLY)	Submit copy of Enforcement Log and a Report on number of enforcement proposals referred to HUD.	Quarterly	GTR/GTM

PROGRAM ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
4. Non-rental Testing methodology and tester training must be received/approved by HUD.	Submit testing methodology and tester training to HUD for review and approval.	60 days	GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM
			GTR/GTM

BUDGET NARRATIVE WORKPLAN FORMAT

Name of Organization:
Budget Period: _____ months

Position or Individual	**Estimated Hours**	**Rate Per Hour**	**Estimated Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL DIRECT LABOR	$			$	$
Fringe Benefits	**Rate**	**Base**	**Estimated Cost**	**Federal Cost**	**In-Kind**
F.I.C.A.		$	$	$	$
Unemployment Insurance[1]		$	$	$	$
Health Insurance[2]		$	$	$	$
Workers Compensation[1]		$	$	$	$
TOTAL FRINGE BENEFITS	$			$	$
Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL MATERIALS	$			$ *	$
Local Travel	**Mileage/Fare**	**Rate/Mi.**	**Estimate Cost**	**Federal Cost**	**In-Kind**
		$	$	$	$
		$	$	$	$
SUBTOTAL LOCAL TRAVEL	$			$	$

* Materials/Equipment prices must be supported by vouchers/cash register receipts of same or similar item or lease quotes from vendor at time of budget negotiation

[1] Rates may vary by State.

[2] Rates may vary by organization.

Air Travel Destination	Number of Travelers	Roundtrip Fare	Estimated Cost	Federal Cost	In-Kind Cost
	$	$	$	$	$
Subtotal Air Travel	$			$	$
Other Travel Items	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
Subtotal Other Travel	$			$	$
Per Diem Subsistence	**Number of Travelers**	**Number of Days/Rate Per Day**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
			$	$	$
Per Diem Subsistence	$			$	$
TOTAL TRAVEL	$			$ *	$
Equipment	**Quantity**	**Unit Cost**	**Estimate Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL EQUIPMENT COSTS	$			$ **	$
Consultants	**Days**	**Rate Per Day**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
Qq		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL CONSULTANTS	$			$ ***	$

* All travel must be grant related and rates not exceed the Federal rate

** Lease/purchase of equipment must be supported by three quotes at time of budget negotiation

***Daily rate for FY 2002 cannot exceed GS 15 Step 10, unless a waiver is obtained from Grant Officer

Subcontracts	**Rate/Service**	**Quantity**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
			$	$	$
TOTAL SUBCONTRACTS	$			$ *	$

Other Direct	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
		$	$	$	$
		$	$	$	$
		$	$	$	$
		$	$	$	$
TOTAL OTHER DIRECT	$			$	$

Indirect	**Rate**	**Base**	**Estimated Cost**	**Federal Cost**	**In-Kind Cost**
	**		$	$	$
TOTAL INDIRECT	$			$	$

	Total Estimated Cost	**Total Federal Cost**	**Total In-Kind Cost**
TOTAL COSTS	$	$	$
Amount To Enter on Form 424 Funding Matrix	$	$	$

*When individual subcontract fees exceed 10% of your grant amount, an itemized budget is required.

** If you have a Federally negotiated indirect rate, you should use that rate and the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only and you must use your organization's rate.

Cover Page FY 2002 FHIP Application

Check Initiative/Component (only one box) for which the application is being submitted. Submit a separate application for each Initiative/Project for which funding is sought.

Applicant Name _____

Initiative/Component	Catalog of Federal Domestic Assistance No.
Private Enforcement Initiative	14-410
Education and Outreach Initiative/Regional-Local-Community Based Program	14-409
General Component	14-409
Disability Component	14-409
National Program Media Campaign Component	14-409
National Program Fair Housing Awareness Component	14-409
Fair Housing Organizations Initiative	14-413

If you submit more than one application, you must indicate in the table below all Initiatives for which you are applying. In addition, if you apply for funding under more than one Initiative or Component, you must state your priority for selection and submit your preference in the table below. If you fail to submit your preference, your application will be deemed technically deficient.

Applicant's Preference for Award

Initiative/Component	Applied (Yes or No)	Rank-Order Preference
Private Enforcement Initiative		
EOI-Regional/Local/Community based **Disability Component**		
EOI-Regional-Local/Community based **General Component**		
EOI-National Program **Media Campaign Component**		
EOI-National Program **Fair Housing Awareness Component**		
Fair Housing Organizations Initiative		

Checklist for Completeness of Application

Use this checklist to ensure that your application includes all required items

Copy of SF-424 (Place a copy of the SF-424 and attached HUD-424-M (Matrix) on top of application package. See **General Section** for procedures on Consolidated Applications.
Transmittal Letter
Cover Page
Checklist for Completion of Applications
Project Abstract Outlining Project Activities
Code of Conduct
Factor No. 1 Narrative
Factor No. 1 Attachments: Performance Assessment/Evaluation of Past Performance, Statement of Eligibility, Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.
Factor No. 2 Narrative
Factor No. 3 Narrative
Factor No. 3 Attachments: Statement of Work, Budget Form(s), Budget Narrative, Audit Information.
Factor No. 4 Narrative.
Factor No. 4 Attachments: Letter(s) of Firm Commitment
Factor No. 5 Narrative.
Responses to Additional Requirements for Specific Initiative/Project

Application Forms and Certifications
SF-424 Application for Federal Assistance and HUD-424-M (Matrix)
SF-424-A Budget Information - Non-construction Programs
SF-424 B Standard Assurances - Non-construction Programs
Applicant Disclosure Report (HUD-2880)
Certification of Payments to Influence Federal Transactions (HUD-50071)
OMB SF-LLL Disclosure of Lobbying Activities
Certification for a Drug-Free Workplace (HUD-50070)
Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990), if applicable
Certification of Consistency with the Consolidated Plan (HUD-2991)
Certification Regarding Debarment and Suspension (HUD-2992)
List of Current or Pending Financial Agreements
Acknowledgment of Application Receipt (HUD-2993)
Client Comments and Suggestions (HUD-2994)
Certification of Key Personnel (HUD 40076)
Code of Conduct

STATEMENT OF ELIGIBILITY

The Completed Statement of Eligibility is required for all the Private Enforcement and Fair Housing Organizations Initiatives applicants. (You may attach additional pages if necessary.) Failure to complete and submit this Statement of Eligibility with the application will be deemed a 'technical deficiency'. (See Section V of the General Section of the SuperNOFA)

++

Check Appropriate Box: (Note: Only QFHOs are eligible for FHOI)

❑ **PRIVATE ENFORCEMENT INITIATIVE**

❑ **FAIR HOUSING ORGANIZATIONS INITIATIVE**

1) What is your organizational Status?

Is your organization a private, tax-exempt, nonprofit, charitable organization?

❑ **YES** ❑ **NO**

If yes, have you attached a copy of the "Letter of Determination" from the Internal Revenue Service confirming your status as a 501(c)(3) tax-exempt organization.

❑ **YES** ❑ **NO**

2) Are you a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) with at least one year's experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorius claims? If you check "no", you are not eligible under this initiative . if you check "yes", you must answer the remaining questions.

❑ **YES** ❑ **NO**

Please check whether you are a QFHO or an FHO as noted.

❑ **QFHO (entity with at least 2 years of enforcement-related experience)**

❑ **FHO (entity with at least 1 year of enforcement-related experience)**

3) Is your project broad-based and full service? If you check "no", your organization is not eligible to apply under this initiative. If you check "yes", you must answer the remaining questions.

❑ YES ❑ NO

4) Briefly describe your experiences in each of the following fair housing enforcement activities. Your organization must have engaged in each of these activities for at least one year in the two years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/continuous years, as long as each activity has been conducted for at least one year within the past two years. (Do not limit this description to FHIP funded enforcement activities.)

When responding to the following, include dates, so that HUD can readily determine whether you have met the "at least one year" requirement.

a) **Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).**

b) **Number of complaints referred to HUD for investigation.**

c) **Describe your testing program, types of tests (rental, sales, lending, insurance, and basis (e.g. race, color, religion, sex, disability, familial status, and national origin)), including number of tests conducted (both individual and systemic).**

d) **Describe the investigative experience, apart from testing, conducted by your organization.**

e) **Summarize the complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/non-monetary relief.**

5) Has your organization used FHIP funds for the payment of expenses in connection with litigation against the United States?

❑ YES ❑ NO

6) Has your organization used FHIP funds to settle a claim, satisfy a judgment or fulfill a court order in any defensive litigation?

❑ YES ❑ NO

_____ _____

Signature of Authorized Representative **Date**

***Certification is for FY 2002 NOFA**

All Current or Pending Grants/Contracts/Other Financial Agreements

All applicants are required to list all current or pending grants, contracts, or other financial agreements. The listing must include the name and address of the funding source, a brief description of the project services/activities, the start and end dates for the grant or contract, and the amount of the contract or grant. This list must be updated during the negotiations for any award under the FY 2002 FHIP, as provided for in the grant agreement schedule of articles.

A sample listing is provided below.

A blank form is provided for your use also, or you may submit the information in any convenient format.

Sample Format

Listing of Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Entity or Organization	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

If the current or pending grant is a FHIP grant, please include your FHIP grant number.

Listing of Current and Pending Grants/Contracts/Other Financial Agreements

Name and Address of Entity or Organization	Brief Description of Services/Activities Provided	Dollar Amount of Grant or Contract	Start Date and Expiration Date

If the current or pending grant is a FHIP grant, please include your FHIP grant number.

APPENDIX D

FHAP AGENCY NAMES

NEW ENGLAND REGION

CONNECTICUT

State Agency: Connecticut Commission on Human Rights and Opportunities
Hartford, CT 06106

MASSACHUSETTS

State Agency: Massachusetts Commission Against Discrimination
Boston, MA 02108

Localities: Boston Fair Housing Commission
City of Boston Office of Civil Rights
Boston, MA 02201

Cambridge Human Rights Commission
Cambridge, MA 02139

MAINE

State Agency: Maine Human Rights Commission
Augusta, ME 04333-0051

RHODE ISLAND

State Agency: Rhode Island Commission for Human Rights
Providence, RI 02903-3768

VERMONT

State Agency: Vermont Human Rights Commission
Montpelier, VT 05633-6301

NEW YORK/NEW JERSEY REGION

NEW YORK

State Agency: New York State Division of Human Rights
New York, NY 10027

Localities: Rockland County Commission on Human Rights
Pomona, NY 10970

MID-ATLANTIC REGION

DELAWARE

State Agency: Delaware Division of Human Relations,
Wilmington, DE 19801

MARYLAND

State Agency: Maryland Commission on Human Relations
Baltimore, MD 21202

PENNSYLVANIA

State Agency: Pennsylvania Human Relations Commission
Harrisburg, PA 17101-2702

Localities: Pittsburgh Human Relations Commission
Pittsburgh, PA 15219

Reading Commission on Human Relations
Reading, PA 19601

York City Human Relations Commission
York, PA 17403

VIRGINIA

State Agency: Virginia Department of Professional and Occupational Regulation,
Fair Housing Administration, Real Estate Board
Richmond, VA 23230-4917

WEST VIRGINIA

State Agency: West Virginia Human Rights Commission
Charleston, WV 25301

Localities: Charleston Human Rights Commission
Charleston, WV 25301

Huntington Human Relations Commission
Huntington, WV 25701

DISTRICT OF COLUMBIA

District of Columbia Office of Human Rights
Washington, DC 20001

SOUTHEAST/CARIBBEAN REGION

FLORIDA

State Agency: Florida Commission on Human Relations
Tallahassee, FL 32302

Localities: City of Bradenton
Community Development Department
Bradenton, FL 34205

Lee County Office of Equal Opportunity
Fort Myers, FL 33901

Jacksonville Equal Opportunity Commission
Jacksonville, FL 32202

Orlando Human Relations Department
Orlando, FL 32801

Palm Beach County Office of Human Rights
West Palm Beach, FL 33401

Pinellas County Office of Human Rights
Clearwater, FL 33756

St. Petersburg Human Relations Department
St. Petersburg, FL 33701

Tampa Office of Human Rights
Tampa, FL 33602

Hillsborough County Board of County Commissioners
Tampa, FL 33602

KENTUCKY

State Agency: Kentucky Commission on Human Rights
Louisville, KY 40202-0069

Localities: Lexington-Fayette Urban County Human Rights Commission
Lexington, KY 40507

Louisville and Jefferson County Human Relations Commission
Louisville, KY 40202

GEORGIA

State Agency: Georgia Commission on Equal Opportunity
Atlanta, GA 30303-1605

NORTH CAROLINA

State Agency: North Carolina Human Relations Commission
Raleigh, NC 27603

Localities: City of Charlotte/Mecklenburg County Community Relations Committee (Charlotte)
Charlotte, NC 28202

City of Charlotte/Mecklenburg County Community Relations Committee (Mecklenburg County)
Charlotte, NC 28202

City of Asheville
Asheville, NC 28802

Asheville/Buncombe County Community Relations Council
Asheville, NC 28801

Durham Human Relations Commission
Durham, NC 27701

Greensboro Human Relations Department
Greensboro, NC 27402

New Hanover County Human Relations Commission
Wilmington, NC 28401

Orange County Human Relations Commission
Hillsborough, NC 27278

Winston-Salem Human Relations Commission
Winston-Salem, NC 27105

TENNESSEE

State Agency: Tennessee Human Rights Commission
Nashville, TN 37243

Localities: City of Knoxville Department of Community Development
Knoxville, TN 37902

SOUTH CAROLINA

State Agency: South Carolina Human Affairs Commission
Columbia, SC 29240

MIDWEST REGION

ILLINOIS

Localities: Springfield Community Relations Commission
Springfield, IL 62701

INDIANA

State Agency: Indiana Civil Rights Commission
Indianapolis, IN 46204-2255

Localities: Elkhart Human Relations Commission
Elkhart, IN 46516

Fort Wayne Metropolitan Human Relations Commission
Fort Wayne, IN 46802

Gary Human Relations Commission
Gary, IN 46402

Hammond Human Relations Commission
Hammond, IN 46320

South Bend Human Relations Commission
South Bend, IN 46617

MICHIGAN

State Agency: Michigan Department of Civil Rights
Lansing, MI 48913

OHIO

State Agency: Ohio Civil Rights Commission
Columbus, OH 43205-1379

Localities: Dayton Human Relations Council
Dayton, OH 45402

Parma Law Department
Parma, OH 44129-5593

Shaker Heights Fair Housing Review Board
Shaker Heights, OH 44120

SOUTHWEST REGION

LOUISIANA

State Agency: Louisiana Public Protection Division
Baton Rouge, LA 70801

OKLAHOMA

State Agency: Oklahoma Human Rights Commission
Oklahoma City, OK 73105

TEXAS
State Agency: Texas Commission on Human Rights
Austin, TX 78723

Localities: Austin Human Rights Commission
Austin, TX 78701

Department of Human Relations
Corpus Christi, TX 78401

City of Dallas Fair Housing Office
Dallas, TX 75201

Fort Worth Human Relations Commission
Fort Worth, TX 76102

Garland Office of Housing and Neighborhood Services
Garland, TX 75040

GREAT PLAINS

IOWA

State Agency: Iowa Civil Rights Commission
Des Moines, IA 50319

Localities: Cedar Rapids Civil Rights Commission
Cedar Rapids, IA 52401-1256

Davenport Civil Rights Commission
Davenport, IA 52801

Des Moines Human Rights Commission
Des Moines, IA 50309

Dubuque Human Rights Department
Dubuque, IA 52001-4932

Sioux City Human Rights Commission
Sioux City, IA 51101

Waterloo Commission on Human Rights
Waterloo, IA 50703

Mason City Human Rights Commission
Mason City, IA 50401

KANSAS

Lawrence Human Relations Commission
Lawrence, KS 66044

Community and Neighborhood Services Department
Olathe, KS 66061

Salina Human Relations Department
Salina, KS 67401

City of Topeka Human Relations Commission
Topeka, KS 66603

MISSOURI

State Agency: Missouri Commission on Human Rights, Department of Labor
Jefferson City, MO 65109

Localities: Kansas City (MO) Human Relations
Kansas City, MO 64106

NEBRASKA

State Agency: Nebraska Equal Opportunity Commission
Lincoln, NE 68509-4934

Localities: Lincoln Commission on Human Rights
Lincoln, NE 68508

Omaha Human Relations Department
Omaha, NE 68183-0502

ROCKY MOUNTAINS

COLORADO

State Agency: Colorado Civil Rights Division
Denver, CO 80202

NORTH DAKOTA

State Agency: North Dakota Department of Labor
Bismarck, ND 58505-0340

UTAH

State Agency: Utah Anti-Discrimination Division
Salt Lake City, UT 84114

PACIFIC/HAWAII REGION

ARIZONA

State Agency: Civil Rights and Conflict Resolution Section
Arizona Attorney General's Office
Phoenix, AZ 85007-2926

Localities: City of Phoenix Equal Opportunity Department
Phoenix, AZ 85003

CALIFORNIA

State Agency: California Department of Fair Employment and Housing
Sacramento, CA 95812

HAWAII

State Agency: Hawaii Civil Rights Commission
Honolulu, HI 96813

NORTHWEST/ALASKA REGION

WASHINGTON

State Agency: Washington State Human Rights Commission
Olympia, WA 98504-2490

Localities: King County Office of Civil Rights
Seattle, WA 98104-2628

Seattle Human Rights Department
Seattle, WA 98104-1849

Tacoma Human Rights Department
Tacoma, WA 98402

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING COUNSELING PROGRAM

PROGRAM OVERVIEW

Program Purpose. This program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate-income renters, and the homeless. The primary objectives of the program are to expand homeownership opportunities and improve access to affordable housing. Counselors provide guidance and advice to help families and individuals improve their housing conditions and meet the responsibilities of tenancy and homeownership.

Agencies funded through this program may also provide Home Equity Conversion Mortgage (HECM) counseling to elderly homeowners who are looking to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

Available Funds. Approximately $18.25 million.

Eligible Applicants. (1) HUD-approved local housing counseling agencies (LHCAs); (2) HUD-approved national and regional intermediaries; and (3) State housing finance agencies (SHFAs).

Application Deadline. May 17, 2002.

Match. No specific ratio required. However, in order to receive points under rating factor 4, applicants are required to demonstrate the commitment of other private and public sources of funding to supplement HUD funding for the applicant's counseling program. HUD does not intend for its housing counseling grants to cover all costs incurred by an applicant.

ADDITIONAL INFORMATION

I. Application Submission, Further Information and Technical Assistance

Application Submission. In addition to reviewing the applicable instructions below, all applicants should consult the General Section of this SuperNOFA and review the new security procedures that affect application submission.

Local Housing Counseling Agencies (LHCAs) and State Housing Finance Agencies (SHFAs) applying under Categories 1 and 3 must submit an original and two copies of a complete application to the Homeownership Center (HOC) whose jurisdiction includes the geographic area in which the applicant is proposing to work (see Appendix B.) *Applications submitted to a HOC must be mailed via the United States Postal Service.* HUD will not accept hand delivered applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the designated HUD office on or within fifteen (15) days of the application due date. *All applicants must obtain and save a Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time. Applications should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked ''FY 2002 Housing Counseling Grant Application.''

National and regional housing counseling intermediaries applying under Category 2 must submit an original and two copies of a complete application to Director, Program Support Division, Room 9166, Office of Single Family Housing, HUD Headquarters, 451 Seventh Street, SW., Washington, DC 20410. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.* The envelope should be clearly marked, ''FY 2002 Housing Counseling Intermediary Application.''

Mailed Applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the designated HUD office on or within fifteen (15) days of the application due date. All applicants must obtain and save a *Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent to HUD Headquarters by overnight delivery or express mail, your application will be considered on time if it is received before or on May 17, 2002, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Again, you must use one of the four carrier services listed above. Delivery by these services must be made during HUD Headquarters' business hours, between 8:30 AM and 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Grant Application—Colonias. Applicants applying under Category 4 must submit an original and two copies of a complete application to the Santa Ana HOC (see Appendix B.) The Santa Ana HOC will be evaluating all applications submitted from across the country. Applications should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked ''FY 2002 Housing Counseling—Colonias Application''. Applications submitted to a HOC must be mailed *via the United States Postal Service.* HUD will not accept hand delivered applications. Your application will be considered timely if it is postmarked on or before 12 midnight on May 17, 2002 and received by the Santa Ana HOC on or within fifteen (15) days of the application due date. *All applicants must obtain and save a Certificate of Mailing* showing the date when you submit your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed on time.

Application Kits. There is no application kit. Specific application submission requirements are outlined in Section V.

Further Information. Local housing counseling agencies and State housing finance agencies should call the HOC serving their area (See Appendix B for the contact information for the HOCs). National and regional intermediaries should contact HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Persons with hearing or speech impairments may access any of these numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. These are not toll free telephone numbers.

Satellite Broadcast. HUD will hold an informational broadcast via satellite for potential applicants to learn more about the program and the application. For more information about the date and time of the broadcast, consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

Under this SuperNOFA, approximately $18.25 million of the $20 million appropriated in FY 2002 is made available for eligible applicants, including $250,000 for counseling services that specifically target Colonias.

An allocation of up to $1 million of the $20 million total in program funding has been set aside for housing counseling support which may include continuation of the Housing Counseling Clearinghouse, tuition assistance for housing counselors, and/or other HUD counseling initiatives and activities. An allocation of up to $750,000 of the $20 million appropriated is available for the Home Equity Conversion Mortgage (HECM) Program, as provided in section 255(k) of the National Housing Act (12 U.S.C. 1715z-20).

III. Grant Categories/Eligible Applicants

Grant Categories—Under the Housing Counseling Program, HUD awards grants to qualified public or private nonprofit organizations to provide housing counseling services through four grant categories: (1) Local Housing Counseling Agencies (LHCA); (2) National and Regional Intermediaries; (3) State Housing Finance Agencies (SHFA); and (4) Agencies Serving Colonias.

BILLING CODE 4210–32–P

Grant Categories	*Who Eligible*	*Total Amount Available*
Category 1 – LHCAs	HUD-approved LHCAs	$6.6 million
Category 2 – Regional and National Intermediaries	HUD-approved regional and national intermediaries	$10.4 million
Category 3 – SHFAs	SHFAs	$ 1 million
Category 4 – Colonias	HUD-approved LHCAs, HUD-approved regional and national intermediaries, and SHFAs	$250,000

Eligibility—HUD-approved LHCAs, HUD-approved national or regional intermediaries, and SHFAs are eligible for funding under Category 4, Colonias, as described below. Applicants applying under Category 4 may also apply under

one of the other three categories, as described below. A separate application must be submitted for Category 4, in addition to an application for funding under any other category. See Section I, 'Application Submission,' above for details on where to submit applications.

HUD-approved LHCAs may only apply for and receive grants under Categories 1 and/or 4, *or* Category 4 and/or one sub-grant from an intermediary under Category 2 or 3. HUD-approved LHCAs that apply under Category 1 are prohibited from also applying for a subgrant from an intermediary under Category 2 or 3. LHCAs that are not HUD-approved, but are affiliates or branches of SHFAs or national or regional intermediaries, may apply for and receive only one sub-grant from an intermediary under Category 2 or 3, but not both, and/or a sub-grant from an intermediary under category 4, Colonias. They are not, however, eligible to apply directly under Category 4.

HUD-approved national and regional intermediaries may only apply for grants under Categories 2 and/or 4.

SHFAs may only apply for grants under Categories 3 and/or 4.

Category 1—Local Housing Counseling Agencies (LHCAs). Approximately $ 6.6 million is available from HUD to directly fund HUD-approved LHCAs.

Eligible applicants include private and public nonprofit organizations that secure HUD-approval as of the publication date of this SuperNOFA, and retain such approval through the term of any grant awarded. For information on securing HUD-approval as a LHCA, contact the HOC within whose jurisdiction you are located (see Appendix B).

Award: No individual LHCA may be awarded more than $100,000. HUD anticipates that the average award will be approximately $18,500.

Funding allocation: Funding is allocated to each HOC jurisdiction by a formula that reflects the increased emphasis on the expansion of homeownership opportunities for first-time homebuyers and HUD's intent to ensure appropriate geographical distribution of program funds.

Allocations for use in local agency programs by HOC are as follows:

HOC	Funding allocation
Philadelphia HOC	$1,861,698
Atlanta HOC	1,924,468
Denver HOC	1,469,281
Santa Ana	1,344,553
Total	$6.6 million

Category 2—National and Regional Intermediaries. Approximately $10.4 million is available from HUD to directly fund HUD-approved national and regional intermediaries.

Eligible applicants include private and public nonprofit organizations that secure HUD-approval as national or regional intermediaries as of the publication date of this SuperNOFA, and retain such approval through the term of any grant awarded. For information on securing HUD approval as an intermediary, contact the HUD Headquarters Program Support Division at (202) 708–0317.

Intermediaries provide sub-grants to affiliates. Eligible sub-grantees are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary as a sub-grantee. Intermediaries that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, Rev-4, CHG–1, for HUD-approved LHCAs. To be eligible for a sub-grant, affiliates must certify in the sub-grant agreement that they have not applied for or received a grant under Category 1, or a sub-grant from another intermediary under Category 2, or a sub-grant from a SHFA under Category 3.

Awards for HUD-approved national and regional intermediaries may not exceed $1.5 million and $500,000, respectively.

Category 3—State Housing Finance Agencies (SHFA). Approximately $1 million is available to fund SHFAs that provide housing counseling services directly or serve as intermediaries to affiliates who offer housing counseling services.

Eligible applicants are entities that satisfy the definition in 24 CFR 266.5 of a ''housing finance agency.'' SHFAs and eligible sub-grantees/affiliates do not need HUD-approval in order to receive these funds. HUD-approved LHCAs may apply to a SHFA as a sub-grantee. SHFAs that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, REV–4, CHG–1, for HUD-approved LHCAs. To be eligible for a sub-grant, affiliates must certify in the sub-grant agreement that they have not applied for or received a grant under Category 1, or a sub-grant from a HUD-approved intermediary under Category 2, or a sub-grant from another SHFA.

Award: There is no cap on the award amount that a SHFA, or its affiliates, may receive.

Funding Allocation: The amount of funding available to each of the four HUD Homeownership Center jurisdictions is as follows:

HOC	Funding allocation
Atlanta, GA	$254,285
Denver, CO	254,285
Philadelphia, PA	267,145
Santa Ana, CA	224,285
Total	1,000,000

Category 4—Colonias. Approximately $250,000 is available for housing counseling services that specifically target Colonias.

Eligible applicants include LHCAs and national or regional intermediaries that secure HUD-approval as of the date of the SuperNOFA publication, and retain such approval through the term of any grant awarded. SHFAs are also eligible.

Intermediaries provide sub-grants to affiliates. Eligible sub-grantees are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary as a sub-grantee. Intermediaries that award sub-grants to affiliates that are not HUD-approved must assure that said affiliates meet or exceed the standards, as specified in paragraph 2–1 of HUD Handbook 7610.1, REV–4, CHG–1, for HUD-approved LHCAs.

Award: There is no cap on the award amount.

IV. Eligible Activities

(A) Grantees or sub-grantees directly providing housing counseling services under Categories 1 through 4 may use their HUD housing counseling funds for one or more of the following eligible activities:

(1) *Pre-Occupancy Counseling.* This includes the following types of one-on-one counseling: pre-purchase, pre-rental, search assistance/mobility, fair housing, budgeting for mortgage or rent payments, money management, and housing care and maintenance. This also may include guidance on how to apply for housing assistance, how to identify and avoid predatory lending practices, as well as referrals to community or homeless services.

(2) *Homebuyer Education Programs.* These programs are housing related education programs in which educational materials are used in training sessions for multiple participants, including HUD's Homebuyer Education and Learning Program (HELP). For a typical homebuyer education program, participants complete eight to twelve

course hours. Agencies that provide this service must also offer individual counseling to complement group sessions.

(3) *Post-Purchase/Mortgage Default and Rent Delinquency Counseling.* This includes counseling on how to: restructure debt, obtain recertification for rent subsidy, establish reinstatement plans, seek loan forbearance, and manage household finances. This counseling can also include helping victims of predatory lending, educating clients on renter's and landlord's rights, explaining the eviction process, providing referrals to other sources, and assisting clients with locating alternative housing or pursuing loss mitigation strategies.

(4) *Post-Purchase/Post-Occupancy Counseling.* This includes education programs and counseling activities on property maintenance, personal money management, and relations with lenders and landlords.

(5) *Home Equity Conversion Mortgage (HECM) Counseling.* HECM counseling assists clients who are 62 years or older with the opportunity to convert the equity in their homes into income to pay living, medical or other expenses.

(6) *Home Improvement and Rehabilitation Counseling.* This counseling includes educating the client about: their loan and grant options, the loan and/or grant application processes, what housing codes and housing enforcement procedures apply for the intended activity, how to specify and bid construction work, how to enter into construction contracts, and how to manage construction contracts, including actions to address the non-performance of contractors.

(7) *Displacement and Relocation Counseling.* This counseling includes helping clients understand their rights when faced with displacement, explaining the responsibility of the entity causing displacement, assisting clients with understanding eviction proceedings, providing assistance with locating alternate housing, and referring clients to homeless services.

(8) *Marketing and Outreach Initiatives.* This includes providing general information about housing opportunities, conducting informational campaigns, and raising awareness about critical housing topics, such as predatory lending or fair housing issues.

Note: For each of the eight general activities you propose, you must be prepared to meet the needs of all individuals requesting services, including the disabled, regardless of the complexity of the services involved.

(B) *Intermediaries and SHFAs* can directly provide the housing counseling services described above in Section A, or distribute and administer grant funds and provide technical assistance and other services to affiliates, who are eligible to undertake any or all of the eligible housing counseling activities outlined above.

Intermediaries and SHFAs have wide discretion to decide how to allocate their HUD Housing counseling and leveraged funding among their affiliates, with the understanding that a written record must be kept documenting and justifying funding decisions. This record must be made available to affiliates and to HUD. Intermediaries and SHFAs must also execute sub-grant agreements with their affiliates and branches that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD.

V. Application Submission Requirements

All applicants must meet the requirements listed in Section II of the General Section of the SuperNOFA. Because applications will be handled by various staff members, applications must be bound or secured in a binder, tabbed, and organized as instructed in the General Section of this SuperNOFA, and materials must be submitted in the order in which they appear in this NOFA. Use the checklist below to organize your application.

(A) *All applicants.* Unless indicated below, all applicants must submit the following:

(1) *The standard forms, certifications, and assurances* listed in Section II(H) of the General Section of the SuperNOFA (collectively, referred to as the ''standard forms'').

(2) *HUD-approval.* Each applicant is required to submit evidence of HUD-approval as a housing counseling agency, unless the applicant is a SHFA that satisfies the definition of a ''housing finance agency'' in 24 CFR 266.5.

(3) *Form HUD–9902, Housing Counseling Agency Fiscal Year Activity Report,* for fiscal year October 1, 2000 through September 30, 2001. If you did not participate in HUD's Housing Counseling Program during October 1, 2000 through September 30, 2001, this report should be completed to reflect your counseling workload during that period. A copy of this form is included in Appendix A of this SuperNOFA.

(4) *The Congressional District(s), including the names of the current Senators and Representatives,* in which your proposed activities are to occur.

(5) *Narrative statements* addressing the following five Rating Factors. Responses to the rating factors should provide HUD with detailed quantitative and qualitative information and relevant examples regarding the housing counseling work of your organization. For applicants applying under Category 4, Colonias, narrative statements must address how you will meet the needs of the Colonias you target.

Please be as specific and direct as possible. Responses to each factor should be limited to 10 double-spaced, single-sided pages. However, if you feel you need to include more information to make your case, you should feel free to do so.

Rating Factor 1: Capacity—Readiness and Effectiveness (30 Points)

This factor addresses the readiness and ability of an applicant to immediately begin the proposed work program, as well as the potential for an applicant to cost-effectively and successfully implement the proposed activities indicated under rating factor 3. In rating this factor, HUD will consider the degree to which the applicant, and, if applicable, affiliates:

(1) (10 points) Has sufficient personnel with the relevant knowledge and experience to implement the proposed activities in a timely and effective fashion. Experience is relevant if it corresponds directly to projects of a similar scale and purpose. Please submit:

—Names and titles of employees, including subcontractors and consultants, allocated to each proposed activity, as well as the corresponding staff hours for each task. Clerical staff should not be listed.

—Descriptions of each employee's, subcontractor's, or consultant's relevant professional background and experience related to the tasks they are to perform. Individual descriptions should be limited to one page.

(2) (20 points) Provide quality services in a cost-effective manner. Provide an overview, and submit any supporting data/evidence, of your organization's (and, if applicable, your affiliate organizations'') prior fiscal year performance. At a minimum, responses should:

—Describe your prior fiscal year's counseling results, as they relate to your last year's goals. Include total number of clients served, the major types of counseling conducted, the outcomes for clients as a result of the counseling.

—Identify all of the sources and amounts of funds for counseling in the previous fiscal year.
—Identify specific uses of counseling funds in the previous year, such as staff costs, and the total costs for each use. Justify your expenses from the previous fiscal year to show that they were reasonable, allowable, and appropriate for the counseling activities identified above.

Characterize your performance in the past fiscal year at meeting the grant requirements for your housing counseling activities. Specifically indicate your performance at satisfying reporting requirements (such as Form HUD 9902)—indicate timeliness and completeness of your past reporting. Also indicate whether or not you fully expended grant awards for the past fiscal year. If not fully expended, provide an explanation as to why the funds were not fully expended and the steps you have taken to ensure that future funding will be expended in a timely manner.

HUD may also rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed activities described under rating factor 3.

(1) (10 points) Applicants must provide recent economic and demographic data, and any other evidence, that demonstrates need relevant to the target area and your proposed activities. Applicants that fail to identify objective data will receive no points for this factor. Responses to this factor must reference data sources that demonstrate the level of need for your proposed program of activities. To the extent that the community you serve has documented need in its Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), or other planning documents, reference these in your response. Economic and demographic data must include persons with disabilities located in the target area. The U.S. Census Bureau, for example, maintains disability data by state, county and metropolitan statistical area (MSA) at the following website address: *http:www.census.gov/hhes/www/disability.html*

(2) (5 points) Listed below are 6 FHA priorities that complement the Departmental priorities listed in Section VI of the General Section of the SuperNOFA. Please indicate which, if any, of the FHA or Departmental priorities your counseling activities will address and provide the data, and source of data, that supports the need in your target community for addressing this priority. You will receive one point for each FHA or Departmental priority you adequately address in your application, up to a total of 5 points.

—Retaining homeownership.
—Serving areas with concentrations of high default and foreclosure rates.
—Predatory lending.
—HECM.
—Fair housing.
—Serving areas underserved by financial institutions.

Rating Factor 3: Scope of Housing Counseling Services/Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposed housing counseling work plan, which describes all housing counseling activities to be performed. Work plans should include:

(1) (10 points) Your goals and objectives, geographic coverage / target areas, and the proposed housing counseling services and / or intermediary activities you propose to undertake. There must be a clear relationship between the proposed activities, community needs as outlined in Rating Factor 2, and the purposes of the proposed program for an applicant to receive points for this factor.

(2) (15 points) Benefits to be achieved, and indicators by which to measure performance, including the number of clients who will be served. If the number of clients you propose to serve exceeds by 25% or more the number of clients you served in your last reporting year (October 1, 2000 through September 30, 2001), you must demonstrate that you have the financial and human resources to adequately serve the additional clients.

(3) (15 points) Costs, time and resources associated with providing the proposed activities. Describe the level of effort you anticipate is required to meet the needs of your clients. Applicants should carefully document the variety and complexity of the services to be provided. Provide the hourly-labor rate and counseling time per client for proposed tasks to demonstrate the cost-effectiveness of the specific services provided.

Rating Factor 4: Leveraging Resources (10 Points)

HUD housing counseling funding is not intended to fully fund either an organization's housing counseling program, or that of its local affiliates. All organizations that use housing counseling grant funds and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding. Any agency that does not have other resources available will receive no points for this factor.

Applicants will be evaluated based on their ability to provide evidence that they have obtained additional resources for their housing counseling activities, including: direct financial assistance; in-kind contributions, such as services, equipment, office space; labor; etc. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities committed to providing you assistance.

In order to obtain points under this factor, the applicant must demonstrate leveraging by providing letters from entities and/or individuals committing resources to the project that include:

—The identity of the entity or individual committing resources to the project.
—Dollar value of the resources to be committed.
—Types of resources to be committed.
—Time period for which the resources will be provided. Commitment letter must demonstrate that funds will be available during the grant period pertaining to this NOFA, October 1, 2002 '' September 31, 2003.
—Responsibilities as they relate to your proposed program.
—The signature of an official of the entity legally able to make commitments on behalf of the entity.
—No conditions that would nullify the commitment. (It is, however, acceptable for the commitment to be conditional on HUD funding.)

Points for this factor will be awarded based on the satisfactory provision of evidence of leveraging and financial sustainability, as described above, *and* the ratio of requested HUD housing counseling funds to total budget, as follows:

Percentage	Points
1–10	10
11–15	9
16–20	8
21–25	7
26–30	6
31–35	5
36–40	4
41–45	3
46–50	2
51–99	1

Rating Factor 5: Coordination, Self-Sufficiency, and Sustainability (5 Points)

This factor addresses the extent to which the applicant is working towards addressing identified needs in a holistic and comprehensive manner through linkages with other organizations / activities in the community to help clients move to self-sufficiency. Sustainability refers to the potential for an applicant organization to become financially self-sustaining, and the potential of a specific project or activity to be sustained into the future absent of any HUD funding. In evaluating this factor, HUD will consider the extent to which applicants can demonstrate they have and will:

(1) Coordinate proposed activities with those of other groups or organizations, including, but not limited to, HUD funded housing counseling agencies, to coordinate the use of housing counseling and support services in your target area. Any written agreements or memoranda of understanding in place should be described and copies provided. The activities undertaken with other entities must be described in detail.

(2) Share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place should be described and copies provided.

(3) Actively participate in your community's Consolidated Planning process and the Analysis of Impediments to Fair Housing Choice (AI).

(4) Develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with other:

(a) HUD-funded projects/activities outside the scope of those covered by the target area's Consolidated Plan; and

(b) Federal, State or locally funded activities, including those proposed or on-going in the target area.

(B) *National and Regional Intermediaries and State Housing Finance Agencies* must provide the following:

(1) Identification of which affiliates will receive funding through this grant award. Applicants unable to identify which affiliates will receive sub-grants must explain why this is the case and what process will be used to select grantees. Pursuant to the applicable regulations at 24 CFR 84.82(d)(3)(iii) and 85.30(d)(4), grantees must receive HUD's written approval for sub-grants.

(2) Description of the activities of those affiliates, explicitly stating the types of services to be offered.

(3) Brief description of your relationship with your affiliates (i.e. membership organization, field or branch office, subsidiary organization, etc.).

(4) Brief description of the process that will be used to determine affiliate funding levels, distribute funds, and monitor affiliate performance, including compliance with the civil rights requirements outlined in the General Section of the SuperNOFA.

(C) *National and Regional Intermediaries* must provide a list of, and certify to, the states in which they maintain offices, including the national office and all affiliates or branch offices.

(D) *State Housing Finance Agencies* must submit evidence of their statutory authority to operate as a SHFA, and apply for, and use, any funds awarded.

VI. Application Selection Process/ Funding Policies

(A) *General.* Applications will be evaluated competitively, and ranked against all other applicants that applied in the same funding category. For Category 2, applications by national and regional intermediaries will be rated and ranked in HUD Headquarters. For Category 1, LHCAs, and Category 3, SHFAs, applications will be rated and ranked by the relevant HOC. The Santa Ana HOC will rate and rank all applications under Category 4, Colonias. The funding formula described below will be used to calculate award amounts.

(B) *Factors For Award Used to Rate and Rank Applications.* The Factors for Award, and maximum points for each factor, are outlined above in Section V (A)(5). These factors will be used to evaluate applications and the maximum number of points for each applicant is 100.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days, HUD will, upon receiving written requests from the applicant, provide a debriefing to the requesting applicant. Materials provided during a briefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to the person listed as the *Contact for further information and technical assistance* in Section I above.

(D) *Funding Methodology.* Only applicants who receive at least 70 points out of the 100 will be considered eligible for funding. All eligible applicants will then be funded in proportion to the score they receive.

This year's formula will work as follows for each category: every agency that receives a score of 70 points will receive a base award of $5,000, then will receive additional funds for every point above the 70 point cutoff. The total number of agencies with scores above 70 will be multiplied by $5,000 and that amount will be subtracted from the total available under the category, or in the cases of Categories 1 and 3, to the HOC. Then, the remaining balance will be divided by the total number of points each agency scores that are above the 70 point cutoff. The division will result in a dollar value for each point. The number of points that each agency scores above the 70 point base will be multiplied by that dollar value. The result of that multiplication will be added to the $5,000 base for the total award amount. For example, an agency with a score of 85 would receive $5,000 plus the dollar value for each point times 15 (15 being the number of points above the 70 point cutoff).

(E) *Grant Period.* Funds awarded shall be available for a period of twelve (12) calendar months. Applicants selected for award must receive prior HUD approval to incur costs prior to the date of the grant agreement. Grantees may incur pre-award costs ninety (90) calendar days prior to the effective date of the grant agreement All pre-award costs are incurred at the applicant's risk and HUD has no obligation to reimburse such costs if the award is inadequate to cover such costs or the award offer is withdrawn because of the applicant's failure to satisfy the requirements of this NOFA.

(F) *Award Instrument.* HUD expects to use a grant agreement, but it reserves the right to use the award instrument it determines to be most appropriate. All Housing Counseling Program awards shall be made on a cost reimbursement basis in accordance with the requirements in OMB Circular A–87, Cost Principles for State and Local Governments and Indian Tribal Governments; or OMB Circular A–122, Cost Principles for Non-Profit Organizations, as applicable to your organization; and the administrative requirements established in OMB Circular A–102, which was implemented by 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments); OMB Circular A–110, which was implemented by 24 CFR part 84 (Grants and Agreements with Institutions of

Higher Education, Hospitals and Other Non-Profit Organizations); and OMB Circular A–133 which was implemented by 24 CFR parts 84 and 85. If you receive an award you are also required to ensure that any sub-recipients also comply with the above requirements. OMB circulars can be found at *www.whitehouse.omb.gov.*

(G) *Financial Management Systems.* Applicants selected for funding must provide documentation demonstrating that the applicant's financial management systems satisfy the requirements in the applicable regulations at 24 CFR 84.21(b) and 85.20. Consistent with the requirements of the Single Audit Act Amendments of 1996 (31 U.S.C. §§ 7501–07), when the applicant expended $300,000 or more in Federal awards in its most recent fiscal year, such documentation must include a certification from, or most recent audit by, the applicant's Independent Public Accountant that the applicant maintains internal controls over Federal awards; complies with applicable laws, regulations, and contract or grant provisions; and prepares appropriate financial statements. The applicant will have at least thirty (30) calendar days to respond to this requirement. If an applicant does not respond within the prescribed time or responds with insufficient documentation, then HUD may determine that the applicant has not met this requirement and may withdraw the grant offer.

(H) *Indirect Cost Rate.* You must also submit documentation establishing your organization's indirect cost rate. Such documentation may consist of a certification from, most recent audit, or indirect cost rate agreement by, the cognizant Federal agency or an Independent Public Accountant. If your organization does not have an established indirect cost rate, you will be required to develop and submit an indirect cost proposal to HUD or the cognizant Federal Agency as applicable, for determination of an indirect cost rate that will govern your award. Applicants that do not have a previously established indirect cost rate with a Federal agency shall submit an initial indirect cost rate proposal immediately after the applicant is advised that it will be offered a grant and, in no event, later than three months after the effective date of the grant. OMB Circular A–122 established the requirements to determine allowable direct and indirect costs and the preparation of indirect cost proposals, and can be found at *www.whitehouse.omb.gov.*

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Applications will be declared ineligible for any of the following reasons:

—If you do not meet the Civil Rights Threshold Requirements set forth in Section II(B) of the General Section of this SuperNOFA.

—If you are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions from any Federal department or agency.

VIII. Program Requirements

Agencies selected as grantees or sub-grantees must comply with the following requirements:

(A) *General Requirements.* The requirements listed in Section II of the General Section of the SuperNOFA apply to this program.

(B) *Specific Requirements.* Programmatic requirements are outlined in detail in HUD Handbook 7610.1, REV–4, CHG–1, dated October 27, 1997, which can be viewed on HUD's website at *http://www.hud.gov/offices/hsg/sfh/hcc_home.cfm.* Additionally, the following also apply:

(1) *List of Agencies.* Pursuant to section 106 (C)(5) of the Housing and Urban Development Act of 1968, HUD maintains a list of all HUD-approved and HUD-funded counseling agencies, including contact information, which interested persons can access. All grantees under Categories 1 and 4, and sub-grantees under Categories 2 and 3, will be placed on this list and must accept subsequent referrals, or when they do not provide the services sought, refer the person to another agency in the area that does provide the services.

(2) *Accessibility*—All grant recipients and sub-recipients must make counseling offices and services reasonably accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant.

(C) *Religious Discrimination.* Grant recipients and sub-recipients are prohibited from:

(1) Discriminating on behalf of or against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.

(2) Requiring religious instruction or religious counseling, conducting mandatory religious services or worship, engaging in religious proselytizing, and exerting religious influence in the provision of assistance under your housing counseling program.

(D) Entities that are subject to 24 CFR parts 84 and 85 (most nonprofit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (*See* Section 84.42 and 85.36(b)(3)). Consistent with regulations governing housing counseling programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct.

(E) *Performance Measurement.* Grant recipients are required to complete and submit a form HUD–9902, Fiscal Year Activity Report (APPENDIX A). The information compiled from this report provides HUD with its primary means of measuring your program performance.

(F) *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(9) and (12) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

IX. Authority

HUD's Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), and is generally governed by HUD Handbook 7610.1, REV–4, CHG–1, dated October 27, 1997.

Appendix A—Form HUD–9902, Fiscal Year Activity Report

Appendix B

Homeownership center	States
Philadelphia Homeownership Center, Mr. John Niebieszczanski Patrick V. McNamara Building SF Program Support Branch 4, 477 Michigan Ave. Rm. 1600, Detroit, MI 48226, For technical questions Contact: Robert Wright (215) 656–0527 x3406.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
Atlanta Homeownership Center, Ms. Gayle Knowlson, 40 Marietta Street, 8th Floor, Atlanta, GA 30303–2806, Contact: Fellece Sawyer-Coleman, (404) 331–5001, x2675.	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Denver Homeownership Center, Ms. Irma Devich, Wells Fargo Building, 633 17th Street, Denver, CO 80202–3607, Contact: Irma Devich, (303) 672–5216 x1980.	Arkansas, Colorado, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming
Santa Ana Homeownership Center, Mr. Jerrold Mayer, 1600 N. Broadway, Suite 100, Santa Ana, CA 92706–3927, Contact: Rhonda J. Rivera, Chief 1–888–827–5605, (714) 796–1200 x3210.	Alaska, Arizona, California, Hawaii, Oregon, Idaho, Nevada, Washington

BILLING CODE 4210–32–P

Housing Counseling Agency **Fiscal Year Activity Report**

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0261
(exp. 6/30/2002)

Read the Instructions and Public Reporting Statement on the back of this form.

Check here if this is a new address ☐

1. Counseling agency name and address

2. **Reporting Year (yyyy)**
from Oct 1, _____
to Sep 30, _____

3. **Number of Clients Counseled this Report Period**		All Counseling Activities	HUD Grant Activities
	1. Homeowners (mortgage paid off)		
	2. Mortgagors (own property covered by mortgage)		
	3. Potential Mortgagors (want to purchase housing)		
	4. Renters (occupy rental property)		
	5. Potential Renters (want to rent housing)		
	6. Homeless		
	7. Disabled Persons		
	8. Other		
	9. Total		
Race/ Ethnicity	a. American Indian /Alaskan Native		
	b. Asian /Pacific Islander		
	c. Black Non-Hispanic		
	d. Hispanic		
	e. White Non-Hispanic		

4. **Results of Counseling**		All Counseling Activities	HUD Grant Activities
Homeowners	10. Obtained a Home Equity Conversion Mort.(HECM)		
	11. Other		
	12. Total		
Mortgagors	13. Obtained a HECM		
	14. Brought mortgage current		
	15. Forbearance agreement		
	16. Mortgage assigned to HUD		
	17. Executed a deed-in-lieu		
	18. Sold their property		
	19. Mortgage foreclosed		
	20. Rented alternative housing		
	21. Other		
	22. Total		

		All Counseling Activities	HUD Grant Activities
Potential Mortgagors	23. Purchased housing		
	24. Decided not to purchase		
	25. Other		
	26. Total		
Renters	27. Purchased housing		
	28. Rented alt. housing		
	29. Other		
	30. Total		
Potential Renters	31. Purchased housing		
	32. Rented alt. housing		
	33. Other		
	34. Total		
Homeless	35. Occupied "transitional" housing		
	36. Occupied "emergency shelter"		
	37. Occupied permanent hsg. for handicapped		
	38. Entered public or prvt. section traditional hsg.		
	39. Other		
	40. Total		

5. HUD Grant Activity - Summary Data

HUD Grant No. From Block 3, Form HUD-1044	HUD Grant Amount From Block 14, Form HUD-1044	Number of Clients	Amount Invoiced
	Total		

6. Name of Person Authorized to Sign this Report

Title

Signature | Date (mm/dd/yyyy)

Previous editions are obsolete. ref. Handbook 7610.1 form **HUD-9902** (5/98)

Public reporting burden for this collection of information is estimated to average 1.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

This information is collected in connection with HUD's Housing Counseling Program, and will be used by HUD to determine that the grant applicant meets the requirements of the Notice of Funding Availability (NOFA) and to assign points for awarding grant funds on a competitive and equitable basis. The information is required to obtain funding under Section 106 of the Housing and Community Development Act of 1974. The information is considered sensitive and is protected by the Privacy Act which requires the records to be maintained with appropriate administrative, technical and physical safeguards to ensure their security and confidentiality.

Instructions for Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report

This **HUD Fiscal Year** Activity Report enables a HUD-approved housing counseling agency to report all of its housing counseling activity for clients with housing needs and problems. Paragraph 1-7A of the HUD Housing Counseling Program Handbook 7610.1 provides the definition of "client," "housing need," and "housing problem."

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the address you enter is a new address, check the box indicating this change.
2. **Enter Report HUD Fiscal Year** - This is an annual report covering the HUD Fiscal Year. Indicate the HUD Fiscal Year covered by the report. Even if your agency was approved by HUD for less than the full year report period, include clients counseling during the full report year.

General

Clients - Please remember that you report **clients** as defined in paragraph 1-7A of HUD's Housing Counseling Program Handbook 7610.1. You are **not** reporting the number of individual persons you counseled.

Examples:

a. A **husband and wife** or a **brother and sister** or **three friends** who are mortgagors under the same note count as **one client**.

b. **Three renting families** who experience the **same problem** with the **same landlord** and come to your agency together for assistance count as **one client**.

Columnar Entries - The report contains two data columns.

a. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grants.

b. **HUD Grant Activities** - Enter data covering **only** counseling provided under one or more HUD counseling grants during the report period. include this data in the "All Counseling Activities" column.

3. **Clients Counseled This Report Period** - Enter the number of clients to whom you provided counseling during the report period. This might include clients who entered your work l load the previous report period but you carried over into and counseled during the current report period.
Enter the client count in the box that best describes the status of the clients when they first entered your work load.

Disabled Person - A person reported on this line is defined in the Fair Housing Act, Sec. 802 (h) as follows:
Handicap means, with respect to a person -- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802))."

Homeless - A client reported on this line must meet the definition for "homeless" or "homeless individual" set forth in Section 103., General Definition of Homeless Individual, of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77).

Racial/Ethnic Categories - Enter number of clients to whom you provided counseling during this period.

a. **White (Non Hispanic)** - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

b. **Black (Non Hispanic)** - A person having origins in any of the black racial groups of Africa.

c. **Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

d **American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains, cultural identification through tribal affiliation or community recognition.

e **Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Other - Throughout the form, "other" provides a general category into which you place clients who do not fall under any specific category on the form.

4. **Results of Counseling** - You might achieve more than one result for the same client during the report year.
Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property.** Report both results on the appropriate lines.
5. **HUD Grant Activity - Summary Data** - Enter summary data from the "HUD Grant Activities" column for each grant under which you provided counseling during the report period. In the "Total" row, enter totals for the "No. of Clients" and the "Amount Invoiced' columns.
6. An authorized staff person must sign and date the report.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner-occupants in partnership with faith-based and other community-based organizations.

Available Funds. Approximately $80 million in Fiscal Year 2002.

Eligible Applicants. States, Indian Tribes or local governments. If you are a State or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by EPA.

Application Deadline. June 14, 2002.

Match. A minimum of 10% match in local funds.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application (an original and four copies) to HUD postmarked on or before 12:00 midnight, Eastern Time, on June 14, 2002, at the address shown below.

See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail or overnight delivery).

Application Submission Procedures. New Security Procedures. In HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Lead-Based Paint Hazard Control Grant Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact Ellis G. Goldman, Director, Program Management Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 112 (this is not a toll-free number). If you are a hearing-or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $80 million in Fiscal Year 2002 funds will be available for the Lead-Based Paint Hazard Control Grant Program.

(B) *Allocation of Funds/Grant Awards.* Both current or prior (previously funded) grantees or previously unfunded applicants are eligible to apply for grants of $1 million to $2.5 million. Approximately 32 to 40 grants will be awarded. Approximately 80% of the funds shall be available to current and prior Lead-Based Paint Hazard Control grantees. Applications from current and prior (previously funded) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants. A minimum score of 70 is required for fundable applications. Within the category of current and prior grantees, a new subcategory has been created this year to allow for the ''renewal'' of current grants that meet specific criteria. Current grantees (with active grants at the application deadline date) whose period of performance commenced on or after January 1, 2000 and that, in their most recent grant, have completed and cleared at least 65 % of the negotiated number of units and have expended, as evidenced by the drawdown from the HUD Line of Credit Control System (LOCCS), at least 45 % of their original HUD Federal grant award by March 31, 2002, are eligible to request up to $2 million to continue grant program activities for an additional 24 months after their current period of performance ends. By achieving the above referenced level of performance significantly ahead of the expected schedule, these grantees have demonstrated a clear basis for eligibility in receiving additional funds without the need to submit a full application in response to the SuperNOFA. The creation of this subcategory reflects the intention of this grant program to move towards more competitive performance-based awards. Applicants eligible to submit a ''Request for Renewal'' will be required to submit a Total Budget (Federal Share and Matching), work plan strategy and supporting materials prescribed in the application. In addition, grantees awarded grant funds under this subcategory will be required to meet the terms and conditions of their current grant agreement and any additional applicable requirements under this NOFA. Additional details and guidance will be provided in the application kit.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Lead-Based Paint Hazard Control Grant Program assists States, Indian Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned housing units for rental and owner-occupants. Appendix B (Eligibility of HUD Assisted Housing) and the application kit for this program will list the HUD-associated housing programs that meet the definition of eligible housing under this program.

(1) Because lead-based paint is a national problem, these funds will be awarded to:

(a) Maximize the combination of children protected from lead poisoning and housing units where lead-hazards are controlled;

(b) Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

(c) Stimulate cost-effective approaches that can be replicated;

(d) Emphasize lower cost methods of hazard control;

(e) Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

(f) Affirmatively further fair housing and environmental justice.

(2) The objectives of this program include:

(a) Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et. seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

(b) Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop cost-effective methods for identifying and controlling lead-based paint hazards;

(c) Development of comprehensive community approaches which result in integration of all community resources (governmental, faith-based and other community-based, and private businesses) to address lead hazards in housing;

(d) Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs that will continue after the grant period ends;

(e) Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system; and

(f) To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (*See* 59 FR 33881, June 30, 1994).

(B) *Eligible Applicants.* (1) To be eligible to apply for funding under this program, the applicant must be a State, Indian Tribe, or unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a single primary government or agency as ''the applicant.'' You may submit only one application. In the event you submit multiple applications, this will be considered a curable (minor) defect and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated. (See the General Section of the SuperNOFA, Section V, Corrections to Deficient Applications)

(2) Threshold Requirements. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA as well as any specific threshold requirements for applicants under the Lead Hazard Control Grant Program. Applications will not be rated or ranked if they do not meet the threshold requirements of Section II (B) of the general Section of the SuperNOFA.

(3) Consolidated Plans. (This requirement does not apply to Indian Tribes)

(a) If your jurisdiction has a current HUD approved Consolidated Plan, you must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) Contracts or other formal arrangements with faith-based and other community-based organizations. If selected for funding, local and State applicants must enter into contractual relationships or other formal arrangements with faith-based and other community-based organizations. Such relationships must be established prior to actual execution of the grant agreement. This requirement does not apply to Indian Tribes.

(5) EPA Authorization. If you are a State government or an Indian Tribal government, you must have an EPA authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Hazard Control Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant State or Indian Tribal government.

(6) Current or prior grantees that have not completed a minimum of 35 percent of the units in their most recent grant agreement as of March 31, 2002, are not eligible to apply under this NOFA.

(7) The eligibility factors discussed in paragraphs (1) through (5) above are threshold requirements. If you do not satisfy the appropriate eligibility requirements stated in these paragraphs, HUD will not review your application.

(C) *Eligible Activities.* HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income families with children under six, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Activities must be conducted in compliance with HUD's Lead-Safe Housing Rule, 24 CFR Part 35, and with any applicable requirements of a Training and Certification Program that has been authorized by the Environmental Protection Agency under the requirements of 40 CFR 745.320. Copies of HUD's Lead-Safe Housing Rule, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 1–800–424–LEAD and on the Internet at www.hud.gov.

(1) Direct Project Elements that you may undertake directly or through sub-recipients, include:

(a) Performing dust testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil.

(b) Conducting the required pre-hazard control blood lead testing of children under the age of six years (72 months) residing in units undergoing inspection, risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(c) Conducting lead hazard control, which may include: interim control of lead-based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Complete abatement of all lead-based paint or lead-contaminated soil is not acceptable as a cost-effective strategy unless justification is provided and subsequently approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, i.e., drip line or foundation of the structure being treated, and children's play areas.

(d) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.

(e) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(f) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Hazard Control grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation, weatherization, and other energy conservation activities.

(g) Conducting clearance dust-wipe testing and laboratory analysis.

(h) Engineering and architectural activities that are required for, and in direct support of, lead hazard control.

(i) Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for rehab contractors, rehab workers, homeowners, renters, painters, remodelers, maintenance staff, and others conducting renovation, rehabilitation, maintenance or other work in private housing; free delivery of lead sampling technician training, lead-based paint worker or contractor certification training; and subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors or lead sampling technicians.

(j) Providing cleaning supplies for lead-hazard control, and instructions or training in their use, to faith-based and other community-based organizations, homeowners, and renters in low-income private housing.

(k) Conducting planning, coordination, and training activities to comply with HUD's Lead-Safe Housing Rule (24 CFR part 35) that became effective on September 15, 2000. These activities should support the expansion of a workforce properly trained in lead-safe work practices which is available to conduct interim controls on HUD assisted housing covered by these regulations. The regulation and interpretive guidance about the rule are available from the National Lead Information Center at 1–800–424–LEAD or *www.hud.gov.*

(l) Conducting general or targeted community awareness, education or outreach programs on lead hazard control and lead poisoning prevention including educating owners of rental properties on the Fair Housing Act and offering educational materials in languages other than English and providing training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (*e.g.;* Braille, audio, large type).

(m) Procuring liability insurance for lead-hazard control activities.

(n) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(o) Conducting applied research activities directed at demonstration of cost effective methods for lead hazard control.

(p) Purchasing or leasing equipment having a per unit cost under $5,000.

(q) Purchasing or leasing no more than two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program, if not already available.

(r) Preparing a final report at the conclusion of grant activities.

(2) Support Elements.

(a) Administrative costs. There is a 10% maximum for administrative costs. Specific information on administrative costs is included in this Lead-Based Paint Hazard Control Grant Program section of this SuperNOFA.

(b) Program planning and management costs of sub-grantees and other sub-recipients. (D) *Ineligible Activities.* You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, except for the purchase of X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, the applicant must comply with the following requirements: (A) Conformance of proposed plans to Federal and State policies for Lead-Based Paint Hazard Control. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Rule, 24 CFR part 35, and as clarified in HUD's Interpretive Guidance about the rule. Activities must also comply with any additional requirements in effect under a State or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the Environmental Protection Agency pursuant to 40 CFR 745.320.

Budgeting

(1) *Matching Contribution.* You must provide a matching contribution of at least 10% of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the sole exception of Community Development Block Grant (CDBG) funds, Federal funds may not be used to satisfy the statutorily required ten (10) percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If you do not include the minimum 10% match in your application, the application will be rated lower during the evaluation process. If selected for an award, you will be required to provide evidence that the matching contribution requirement will be met before being given the grant.

(2) *Direct Lead Hazard Identification and Control Activities.* The budget proposed must show a minimum of 60 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of dust testing, hazard screens, lead inspections, risk assessments, lead hazard control services, and clearance examinations. Direct hazard control activities do not include relocation, blood testing of residents or workers, housing rehabilitation, training, community education, applied research, purchase of supplies or equipment, or administrative costs.

(3) *Lead-Safe Work Practice Training Activities.* For most applicants, at least two (2) percent of the total Federal amount in the budget proposal will be necessary to promote the expansion of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls and follow lead-safe work practices while performing work on HUD assisted housing units per the provisions of the HUD Lead Safe Housing Regulation 24 CFR Part 35(1330(a)(4)(iii)(v), and to safely repair, rehabilitate, and maintain other privately-owned residential property. Any applicant that proposes to use less than 2% of the total Federal amount for this purpose shall present evidence that there is currently in place a workforce that is sufficient in size and is properly trained to carry out the work under the Lead Hazard Control grant and the HUD Lead-Safe Housing Regulation.

(4) *Applied Research Activities.* You may identify a maximum of five (5%) percent of the total grant request for applied research activities.

(5) *Administrative Costs.* There is a 10% maximum for administrative costs as specified in Section 1011 (j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided in Appendix B of this NOFA and in the application kit.

(B) *Period of Performance.* The period of performance is 36 months for first time grant recipients. The period of performance for current and prior grantees is 30 months, except grantees receiving an award under a ''Request for Renewal,'' for which there is a 24-month period of performance.

(C) *Certified and Trained Performers.* Funded activities must be conducted by persons qualified for the activities according to 24 CFR part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

(D) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(E) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(F) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. This may be obtained from the SuperNOFA Clearinghouse.

(G) *Waste Disposal.* You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines may be purchased from HUD User (1–800–245–2691) or downloaded from the HUD website (www.hud.gov).

(H) *Worker Protection Procedures.* You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62—Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(I) *Prohibited Practices.* You must not engage in practices that are not allowed because of health and safety risks. Methods that generate high levels of lead dust shall be undertaken only with requisite worker protection, containment of dust and debris, suitable cleanup, and clearance. Prohibited practices include:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two (2) square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(J) *Proposed Exceptions to HUD Requirements.* Proposed methods that differ from HUD's Lead Safe Housing Rule will be considered on their merits through a separate HUD review and approval process after the grant award is made and a specific justification has been presented. HUD may consult with experts from both the public and private sectors. HUD will not approve methods that, in HUD's opinion, involve a lowering of standards that have the potential to adversely affect the health of residents, contractors or workers, or the environment.

(K) *Written Policies and Procedures.* You must have clearly established, written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation and

clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(L) *Continued Availability of Lead Safe Housing to Low-Income Families.* Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X. You must maintain a registry (listing) of units in which lead hazards have been controlled and ensure that these units are marketed to agencies and families as suitable housing for families with children under six. The grantee must notify the owner of the information that is collected so that the owner may make disclosure to tenants in accordance with the requirements under 24 CFR part 35, Subpart A.

(M) *Testing.* In developing your application budget, include costs for inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) *Testing.* (a) *General.* All testing and sampling shall conform to the current HUD Guidelines and Federal, state or tribal regulations developed as part of the appropriate contractor certification program. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines and the EPA lead hazard standards rule at 40 CFR part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, Subpart A.

(b) *Pre-Hazard Control.* A combined inspection and risk assessment is recommended. You should ensure that the results of the pre-hazard control investigation are sufficient to support hazard control decisions. When appropriate, you may elect to perform a lead hazard screen in lieu of an inspection or risk assessment.

(c) *Non-Identification of Lead Hazards from Paint, Dust, Soil.* In the event you propose to conduct lead hazard control work without identification of lead hazards from paint, dust, and soil, you must fully justify the technical and other rationale for such a proposal. HUD must approve such proposals. Approval is subject to HUD environmental review under 24 CFR part 50.

(d) *Clearance Testing.* Clearance dust testing must be conducted according to the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing rule (24 CFR part 35) for lead hazard control activities or other abatement. These are available at www.epa.gov and www.hud.gov respectively.

(2) *Blood lead testing.* Before lead hazard control work begins, each occupant who is under six years old must be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997).*

(N) *Cooperation With Related Research and Evaluation.* You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(O) *Data collection.* You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods.

(P) *Section 3 Employment Opportunities.* Please see Section II (E) of the General Section of the SuperNOFA. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to the Lead-Based Paint Hazard Control Program.

(Q) *Replacing Existing Resources.* Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

(R) *Certifications and Assurances.* You must include the certifications and assurances listed in the General Section of the SuperNOFA with your application.

(S) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

(T) *Conducting Business in Accordance With HUD Core Values and Ethical Standards.* If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct (See Section II(B)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.)

(U) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Too often, these businesses still experience difficulty accessing information and successfully bidding on Federal contracts. HUD regulations at 24 CFR 85.36(e) require recipients of assistance (grantees and sub grantees) to take all necessary affirmative steps in contracting for purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority business, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to *permit maximum participation by small and minority business, and women's business enterprises;*

(iv) *Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;*

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2)(i) through (v) above.

V. Application Selection Process

(A) *Rating and Ranking.* Only those applications that meet the threshold review requirements will be rated and ranked. HUD intends to fund the highest ranked applications receiving a minimum score of 70 within the limits of funding, but reserves the right to advance other eligible applicants in funding rank. A decision to advance an applicant will be based on work plan strategies that foster innovative local approaches or lead hazard control methods.

(B) *Award Offers.* In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s). If you are an applicant offered a reduced grant amount you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven-day limit, you shall be considered to have declined the award. Applicants may respond by e-mail, facsimile, or by mail.

(C) *Budget.* HUD will evaluate your proposed budget to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. Previously unfunded applicants may devote up to 36 months for the planning, implementation, and completion of lead hazard control activities. Current and prior grantees may devote up to 30 months, except those grantees awarded funds under the ''Request for Renewal,'' for which up to 24 months can be devoted to those activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A).

Note: Current grantees eligible to submit a ''Request for Renewal'' are to complete the required budget forms included in the NOFA and develop a work plan strategy for conducting lead hazard control program activities during the 24-month period of performance. Do not respond to the Factors for Award listed below. The application kit will provide additional guidance for submitting an application.

(D) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 106. This maximum includes six bonus points as described in Section III(C)(1–3) of the General Section of the SuperNOFA, which addresses EZ, Brownfield Showcase Communities, and a court-ordered consideration applicable to this program. A minimum score of 70 is required for fundable applications.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points for all applicants)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's staff'' for technical merit or threshold compliance, unless otherwise specified, includes any faith-based and other community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider:

(1) The applicant's recent, relevant and successful demonstrated experience (including governmental and faith-based and other community-based partners) to undertake eligible program activities. The applicant must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. The applicant must demonstrate that it has sufficient personnel or will be able to quickly retain qualified experts or professionals, to begin the proposed work program immediately after receiving an award and to perform lead hazard evaluation, lead hazard reduction, and other proposed activities in a timely and effective manner. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel), position descriptions, and a clearly identified organizational chart for the lead hazard control grant program effort must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project. The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, or similar work involving project management, and must be dedicated to the proposed program for a minimum of 75% of the time. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

(2) If the applicant received previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). Where the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. If you are a current or prior grantee, you must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work. The applicant must provide a description of its progress and performance in implementing the most recent grant award including the total number of housing units enrolled, assessed, in progress and completed and cleared as of the most recent calendar quarter. The applicant must also describe results from other lead hazard control grant program work plan activities and tasks including results from efforts undertaken to build local capacity for lead hazard control; in implementing HUD's Lead-Safe Housing Rule; ''mainstreaming'' lead-safe work practices into the private market; and in conducting effective education, outreach, and other training activities. The applicant should also cite specific instances in which the program has made a positive impact in the community. These impacts could include decreases in the number of children with elevated blood lead levels in the target area, average blood lead levels, and dust lead levels. In addition, activities undertaken to develop, enhance or expand the local infrastructure through collaboration should also be discussed.

In evaluating applications for funding HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State or local

programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information.

In evaluating past performance, HUD may elect to deduct points from the rating score as specified under the Factors for Award or set threshold levels for performance as specified in the funding announcement.

Rating Factor 2: Needs/Extent of the Problem (20 points for all applicants)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem and will be based on the evidence of lead poisoning, the presence of lead hazards, high risk children, and high risk housing in any proposed target area(s).

(1) Document a critical level of need for your proposed activities in the geographical area where activities will be carried out. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting such need as it applies to the targeted areas, rather than the entire locality or state.

(2) Document the following for the target area(s):

(a) Numbers and percentages of children less than 72 months of age

i. numbers and percentages of children with elevated blood lead levels

ii. numbers and percentages of children tested for blood lead levels,

(b) Economic and demographic data relevant to the target area, including poverty and unemployment rates;

(c) Relevant housing market data available from HUD, or other data sources, including the Consolidated Plan/Analysis of Impediments, Public Housing Authority's Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan, and;

(d) Other data relevant to the target area or jurisdiction that documents an unmet need for lead-safe housing. These data may include the number of units that have been occupied by lead poisoned children where the identified lead-based paint hazards have not been remediated; the number of lead-based paint health and/or housing code violations; or the number of pre-1978 or pre-1960 housing units anticipated to undergo rehabilitation in the next 12 months; the proportion or number of units with lead dust hazards; information about the principal sources of exposure in your community, their prevalence, and the segments and/or characteristics of the housing most affected by these exposure sources; and/or other information about housing condition.

(3) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) and other data sources support the extent of the problem, you should include references to the Consolidated Plan, the AI or other data sources in your response.

(4) Provide information about the areas targeted for lead hazard control activities (data may be available from State or local sources, included in your currently approved Consolidated Plan or AI, derived from current Census Data, or available from special studies). The information to be provided includes the following:

(a) The age and condition of housing;

(b) The number and percentage of very-low (income less than 50% of the area median) and low (income less than 80% of the area median) income families, as determined by HUD, with adjustments for smaller and larger families;

(c) The number and proportion of children under six years (72 months) of age at risk of lead poisoning;

(d) The extent of the lead poisoning problem in children under six years (72 months) of age in target areas and the overall jurisdiction; and

(e) Other socioeconomic or environmental factors that demonstrate a need to establish or continue lead hazard control work in your jurisdiction.

(5) You also must provide documentation of the priority that the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice has placed on addressing the needs you described. If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or the result of court orders or consent decrees, settlements, conciliation agreements, voluntary compliance agreements, and/or Childhood Lead Poisoning Prevention Programs or other relevant local initiatives you will receive more points than applicants that do not relate their program to identified needs.

(6) For you to receive maximum points for this factor, there must be a direct relationship between your proposed lead hazard control activities in the target area(s) and the documented community needs.

Rating Factor 3: Soundness of Approach (40 points for previously unfunded applicants and 50 points for current or prior grantees)

This factor addresses the quality and cost-effectiveness of your proposed work plan and the demonstrated performance of current and prior grantees both in terms of units completed and LOCCS draw downs). You should present information on your proposed lead-based paint hazard control program and describe how it will satisfy the identified needs. To the extent possible, describe a comprehensive strategy to address the need to protect targeted neighborhoods rather than individual units or homes. Your response to this factor must include the following elements:

(1) *Lead Hazard Control Work Plan Strategy* (32 points for previously unfunded applicants; 42 points for current and prior grantees). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 36-month period of performance (30 months for existing grantees) for your lead hazard control grant program. You should provide information on:

(a) *Implementing a Lead Hazard Control Program* (13 points for previously unfunded applicants; 6 points for current or prior grantees). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How the project will be managed and staffed, the steps taken to ensure the availability of lead-based paint contractors and workers to conduct lead hazard control interventions, and other activities needed during the planning phase of the program and prior to beginning actual lead hazard control intervention work. In addition, a detailed description of the selection process for sub grantees, subcontractors or sub-recipients, and how assistance and funding will flow from the grantee to the actual performers of work under the grant shall be provided.

(ii) The overall number of eligible privately owned housing units scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how referrals of eligible units from childhood lead poisoning prevention programs,

other health or housing agencies or health providers that serve children will be obtained. Also discuss how referrals from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, Home-funded housing programs or other sources will be obtained. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation in recruiting eligible units in the lead hazard control grant program.) (*See* Rating Factor 4 Leveraging Resources and Rating Factor 5 Coordination, Self-Sufficiency and Sustainability), Provide estimates of the total number of owner occupied and/or rental units that will receive lead hazard control. You should describe how the program will respond to the needs of children with elevated blood lead levels located outside the target area(s).

(iii) The degree to which the work plan focuses on eligible privately-owned housing units occupied by low-income families with children under six years (72 months) of age. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to match these units with low-income families with children under six years (72 months) of age in the future. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level, including your process for referring and tracking children with elevated blood lead levels for medical case management, and your capacity to rapidly complete lead hazard control work in their units. Also describe your process for referrals of EBL-occupied units that do not meet all the eligibility criteria for inclusion in the lead hazard control grant program. Provide estimates of the number of children you will assist through this program.

(iv) The lead hazard control financing strategy, including eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (e.g. use of grants, deferred loans and/or forgivable loans and the basis and schedule for forgiveness), and the role of other resources, such as private sector financing), as well as the entity that will administer the financing process. Describe any matching requirements proposed for assistance to rental property owners.

(v) You should describe how your proposed program will satisfy the stated needs in the Consolidated Plan. Describe how your proposed program will further and support the policy priorities of the Department, including promoting healthy homes; providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs; or providing educational and job training opportunities. Describe how your strategy will provide long-term benefits to families with children under six years of age. Describe whether any of the proposed activities will occur in an EZ/EC and how they will benefit the residents of those zones or communities.

(b) *Lead Hazard Control Outreach and Community Private Sector Involvement* (6 points for all applicants). Applicants are encouraged to solicit participation of faith-based and other community-based and private sector organizations to accomplish outreach and community involvement activities and to build long-term capacity and sustain accomplishments in the target area. Applicants that partner, fund, or subcontract with faith-based and other community-based organizations will receive higher points in this sub factor. Your application must describe:

(i) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this would include making materials available in alternative formats to persons with disabilities (*e.g.,* Braille, audio, large type), and in other languages common to the community to the extent possible.

(ii) Strategy for involving neighborhood or faith-based and other community-based organizations in your proposed activities. Your activities may include training (including training residents to screen houses through visual assessment and sampling), outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the level of substantive involvement during the review process.

(iii) Strategies and methodologies that affirmatively further fair housing and increase access to lead-safe housing for all segments of the population: homeowners, owners of rental properties, and tenants. This outreach should address ways to avoid housing discrimination against families with young children, and ways to ensure that all families will have adequate, lead-safe housing choices in the future.

(c) *Technical Approach/Performance* (13 points for previously unfunded applicants; 30 points for current or prior grantees). (Previously unfunded applicants are to respond to items (c) i–vii below)

(Current or prior grantees will be evaluated on the basis of cumulative unit production and cumulative LOCCS draw downs made under the grantee's most recent award for the period ending March 31, 2002. Current and prior grantees do not need to respond to items (c) i–vii below but are to provide a response for items viii and ix)

For Previously Unfunded Applicants

(i) Describe your process for the conduct of lead hazard evaluation (risk assessments and/or inspections) in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken. You may use the results of a valid risk assessment or inspection that had been previously performed within that past 6 months by certified inspectors or risk assessors in accordance with the HUD Guidelines if the report identified lead-based paint hazards and it is evident that hazards remain.

(ii) Describe your testing methods, schedule, and costs for performing blood lead testing, risk assessments, inspections and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (e.g., less than 0.5% or 1.0 mg/ square centimeter for lead in paint, or less than 40, 250, 400 mg/square foot for lead in dust on floors, sills and troughs respectively); or 400 ppm in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) which will be used. All testing shall be performed in accordance with applicable regulations.

(iii) Describe the lead hazard control methods and strategies that you will undertake and the number of units you will treat for each method selected (interim controls or hazard abatement). Complete abatement of all lead painted surfaces in all units is generally not acceptable as a strategy. In cases where only a few surfaces have lead hazards in a specific unit and abatement is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy. Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a

schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(iv) Schedule. Describe your expected schedule for the overall project. Discuss when you plan to perform lead hazard control on your first unit; and complete lead hazard control on all units in the lead hazard control program. Describe the schedule for a typical unit that will receive lead hazard control. Discuss the duration for referral/intake, enrollment and qualification; evaluation; hazard control; and clearance. Describe the schedule for emergency referrals (e.g. unit occupied by a child under the age of 6 years of age with an elevated blood lead level).

(v) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities, including providing the training needed to create a workforce properly trained in lead-safe work practices for units assisted or rehabilitated under other HUD programs, and any collaboration with local housing or health departments, rehabilitation programs or community development corporations to stage lead hazard control and rehabilitation in the same units.

(vi) Describe your contracting process, including development of specifications or adoption of existing specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(vii) Describe your plan for occupant protection or the temporary relocation of occupants of units selected for lead hazard control work. Describe any plan to avoid overnight relocation in small scale projects, consistent with 24 CFR 1345 (a)(2) and HUD's Interpretive Guidance J24, R18, and R19.You should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc.

For Current and Prior Grantees

(viii) If you are a current or prior grantee, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work. (*See* rating Factor 1)

(ix) If you are an existing or prior grantee, you must describe your progress in meeting the unit production goals included in your most recent lead hazard control grant award. If the unit production achieved is below the performance values (percentages of units completed) provided in the application kit, and no changes are proposed to your work plan, you should explain why the strategy in the earlier grant remains appropriate. Failure to provide this discussion will result in reduced points for this sub factor. In addition, the expenditure rate as reflected by the timely drawdown of HUD grant funds from the Line of Credit Control System (LOCCS) will be evaluated in conjunction with the achievement of the unit production goal.

(2) *Economic Opportunity* (4 points for all applicants). Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, and rehabilitation specialists, and others in lead-safe work practices. Describe how you will help to integrate lead-safety into other housing activities, such as meeting the requirements of the HUD Lead-Safe Housing Regulation in housing units rehabilitated or assisted with Federal funds.

Describe the methods to be used to provide economic opportunities for residents and businesses in the community. This discussion should include information on how you will promote training, employment, business development, and contract opportunities as part of your lead hazard control program. Grantees must comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR Part 135. Describe how you will accomplish the requirement by (1) providing training and employment opportunities for low and very low-income persons living within the grantee's jurisdiction, and by (2) providing business opportunities to businesses owned by low and very low-income persons living within the grantees jurisdiction.

(3) *Program Evaluation, Data Collection, and Research* (4 points for all applicants).

(a) Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information.

(b) Provide a detailed description of any proposed applied research activities. Describe the objectives, methodology and impact at the local level of the proposed research activities.

Rating Factor 4: Leveraging Resources (10 points for previously unfunded applicants; 5 points for current or prior grantees)

This factor addresses your ability to obtain other community and private sector resources that can be combined with HUD's program resources to achieve program objectives. Current and prior grantees will be evaluated on their ability to generate new and/or additional resources and partnerships with faith-based and other community-based organizations committed to increasing lead poisoning prevention activities.

(1) In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, and other entities partnering with you. Leveraging arrangements with rental property owners may have the benefits of increasing the efficiency of public lead hazard expenditures and creating a financial stake for rental property owners in the quality of lead hazard control work. Contractual or other formal relationships with faith-based and other community-based organizations are a requirement for State and local government applicants. Documentation of these relationships with faith-based and other community-based organizations must be provided in this application either by signed agreements or commitment letters. This requirement does not apply to applicants who are an Indian Tribe. You also may partner with other program funding recipients to coordinate the use of resources in your target area.

(2) You should detail any activities to increase the understanding of lead poisoning prevention in your community. This could include partnerships with childhood lead screening programs, collaboration with

ongoing health, housing or environmental research efforts which could result in a greater availability of resources, and efforts to build capacity for lead-safe housing.

(3) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. You may not include funding from any Federally funded program (except the CDBG program) as part of your required 10% match. Other resources from the private sector or other sources committed to the program that exceed the required 10% match will provide points for this rating factor. Contributions above the first 10% may include funds from other Federally funded programs, State, local, charity, non-profit or for-profit entities. You must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. This letter must describe the contributed resources that you will use in the program and the purpose for which they are designated. Staff in-kind contributions should be given a monetary value. If you do not provide letters specifying details and the amount of the actual contributions, those contributions will not be counted. Matching contributions required of rental property owners may be included as part of your match. Documentation and estimates for the amount of the match should be provided in the annex for this factor.

(4) Applicants will not receive full points under this rating factor if they do not submit evidence of a firm commitment and the appropriate use of leveraged resources under the grant program. Such evidence must be provided by including letters of firm commitment, memoranda of understanding, or other signed agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of faith-based and other community-based organizations in specific program activities, such as hazard evaluation and control; monitoring; and awareness, education, and outreach within the community. Describe how you will ensure that commitments to sub grantees specified in your proposal will be honored and executed, contingent upon an award from HUD.

Rating Factor 5: Coordination, Self-Sufficiency, and Sustainability (10 Points for previously unfunded applicants; 5 Points for current or prior grantees)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to prevent lead poisoning in your community's housing by using available HUD and other community resources. This factor consists of three elements: (1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner; (2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice, or improved living environments; and (3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on State, local, and private funding so your activities can be continued after your grant award period is completed. In evaluating this factor, HUD will consider how you have:

(1) Coordinated your proposed activities with those of other groups or organizations to best support and coordinate all known activities and the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place or proposed should be described. You should, at a minimum, describe the activities, in your metropolitan area or region, of other HUD Lead-Based Paint Hazard Control grantees, Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, Maternal and Child Health programs, State Medicaid agencies and child care providers, EPA grantees, EPA Regions and/or EPA-authorized certification and training programs, and other programs which are addressing lead poisoning prevention needs. Efforts undertaken to encourage non-profit organizations, including faith-based organizations, to participate in the program should be described. Coordination also includes providing technical assistance and training to neighboring or regional jurisdictions to facilitate the implementation of lead-based paint hazard control activities in those jurisdictions.

(2) Become actively involved (or if not currently active, describe the specific steps that will be taken to become active) in your community's Consolidated Plan and Analysis of Impediments processes and contribute information, action steps, and strategies to the element of the Consolidated Plan that has been established to identify and address the problem of childhood lead poisoning.

(3) Coordinated and integrated lead hazard control work with the local agencies responsible for housing rehabilitation, housing and health codes, and other related housing programs, as well as with the work of community development corporations, other faith-based and other community-based organizations and childhood lead poisoning prevention programs.

(a) Describe the degree to which lead hazard control work will be done in conjunction with other housing-related activities (*i.e.,* rehabilitation, weatherization, correction of code violations, and other similar work), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Describe plans to incorporate lead-based paint maintenance, and hazard control standards with the applicable housing codes and health regulations, including training of workers to conduct such activities.

(c) Describe plans to generate and use public subsidies or other private-sector resources (such as revolving loan funds) to finance future lead hazard control activities.

(d) Describe plans to develop public-private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing including the use of Community Reinvestment Act ''credits'' by lending institutions.

(e) Discuss efforts undertaken to coordinate activities of all agencies and organizations participating in any aspect of the proposed program,

(f) Describe specific plans and objectives to implement a registry of lead-safe housing that is available to the public, or to incorporate housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Such plans could include strategies on how the information would

be managed and made available to the public so that families (particularly low income families with children under age six) can make informed decisions regarding their housing options. Existing grantee applicants must address any registry of lead-safe housing and specifically discuss the availability, amount of information contained, and the use by members of the community.

(g) Detail the extent to which the policy of affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how your proposed work plan will support the community's efforts to affirmatively further affordable housing for all segments of the population. If you have an existing grant, you should discuss activities that have contributed to enhanced lead safe housing opportunities to all segments of the population.

(h) Describe plans to adopt or amend statutes, regulations, or policies that will more fully integrate lead hazard control into community policies and priorities.

(4) Describe efforts to coordinate and cooperate with other organizations that will lead to a reduction in lead risks to community residents. This could include such activities as free training to create a workforce properly trained in lead safe work practices, lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program.

(5) Describe how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

VI. Application Submission Requirements

(A) Applicant Information

(1) *Application Format.* The application narrative response to the Rating Factors is limited to a maximum of 25 pages. Your response must be typewritten on one (1) side only on 8 ½″ x 11″ paper using a 12-point (minimum) font with not less than ¾″ margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

(2) *Application Checklist.* Your application must contain the items listed in this Section VI(A)(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The application items are as follows:

(a) Transmittal Letter that identifies ''the applicant'' (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with faith-based and other community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of ''the applicant.'' If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) Checklist and Submission Table of Contents.

(d) Applicant Abstract. An abstract describing the goals and objectives of your proposed program (2 page maximum).

(e) Standard Form 424, Application for Federal Assistance.

(f) HUD 424M, Federal Assistance Funding Matrix.

(g) A detailed budget (total budget is the federal share and matching contribution) with supporting cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in the application kit for this program section of the SuperNOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. A minimum of 60% of the total Federal amount requested must be dedicated to direct lead hazard control activities. A sufficient amount of the total Federal amount must be dedicated to activities to create a workforce properly trained in lead-safe work practices. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF–424 will govern as the correct value.

(h) An itemized breakout (using the SF–424A) of your required matching contribution, including:

—Values placed on donated in-kind services;
—Letters or other evidence of commitment from donors; and
—The amounts and sources of contributed resources.

(i) Standard Forms SF–LLL and SF–424B, and HUD Forms 2880, 2990, 2991, 2992, 2993, 2994, 50070 and 50071.

(j) Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating faith-based and other community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(k) A copy of the lead hazard control element included in your current program year's Consolidated Plan. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.

(l) Narrative responses to the five rating factors.

(B) *Proposed Activities.* All applications must, at a minimum, describe the proposed activities in the narrative responses to the rating factors. Your narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5).

(C) *Applicant Debriefing. See* Section VII (E)(2) of the General Section of the SuperNOFA for information about applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** Notice, and for at least 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to the person or organization identified as the Contact under the section entitled For Further Information and Technical Assistance in the program section of the SuperNOFA under which you applied for assistance. Information provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon

which assistance was provided or denied.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with HUD regulations in 24 CFR Part 58, recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this funded program will be given guidance in these responsibilities.

IX. Authority

The Lead-Based Paint Hazard Control Program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

Appendix A

The non-standard forms, which follow, are required for your Lead-Based Paint Hazard Control Program application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

Appendix B

The description of ''Administrative Costs'' and the ''Eligibility of HUD Assisted Housing'' are included in this section of the NOFA.

BILLING CODE 4210–32–P

LEAD HAZARD CONTROL GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

		Cover page
☐	**Transmittal Letter**	
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	_____
☐	**Application Forms**	
☐	Standard Form 424 and SF 424A Section B	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD-424-M	_____
☐	Total Budget (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2991 Certification of Consistency with the Consolidated Plan	_____
☐	HUD 2992 Certification Regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required	
	☐ Form SF-LLL Not Required	_____
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	_____
☐	Performance Measure - Minimum of 35% of units in most recent HUD agreement were completed and cleared by March 31, 2002 as reported to HUD (**Current Grantees Only**)	_____
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Experience	_____
☐	2. Needs/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self Sufficiency, and Sustainability	_____
	Appendices	
☐	Appendix 1 - Material in support of Rating Factor 1	_____
☐	Appendix 2 - Material in support of Rating Factor 2	_____
☐	Appendix 3 - Material in support of Rating Factor 3	_____
☐	Appendix 4 - Material in support of Rating Factor 4	_____
☐	Appendix 5 - Material in support of Rating Factor 5	_____
☐	Appendix 6 - Materials relating to the application thresholds or forms. The Lead-Based Paint Element from the Consolidated Plan should be provided in this appendix.	_____
☐	Appendix 7 - Other materials related to the application (as required)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
LEAD HAZARD CONTROL GRANT PROGRAM

"REQUEST FOR RENEWAL GRANTS ONLY"

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	_____

Application Forms

☐	Standard Form 424 and SF 424A Section B	_____
☐	HUD-424-M	_____
☐	Total Budget (Federal Share and Matching)	_____

Threshold Requirements

☐	Period of Performance commenced on or after January 1, 2000	_____

☐ Performance Measures

(1) Minimum of 65% of the units in HUD agreement were completed and cleared by March 31, 2002 as reported to HUD

AND

(2) Minimum of 45% of Grant Funds were expended by March 31, 2002 as evidenced by the drawdown from the HUD Line of Credit Control System (LOCCS) _____

Note:
Current grantees that do not meet the threshold requirements listed immediately above may still be eligible to apply for Lead Hazard Control Grant Funds under the "Current and Prior" grantee category of this Notice of Funding Availability (NOFA). Grantees should review the requirements for submitting a proposal under the "Current and Prior" grantee category and pay particular attention to the Rating Factor Response requirements.

Required Supporting Materials

☐	Work Plan Strategy for the 24 months renewal period Developed in accordance with the Office of Healthy Homes and Lead Hazard Control Policy Guidance Issuance 2001-03 (available on the HUD Internet Web site at http://www.hud.gov/offices/lead)	_____

Appendices

☐	Appendix 1 - Materials relating to the application thresholds or forms.	_____
☐	Appendix 2 – Materials supporting work plan strategy	_____
☐	Appendix 2 - HUD 2993 Acknowledgment of Application Receipt	_____

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/offices/lead

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the
HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

APPENDIX B

Administrative Costs

I. PURPOSE

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Congress set a top limit of ten (10) percent of the total grant sum for the Grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the "administrative cost" of the grant, and is limited to ten (10) percent of the total grant amount. The balance of ninety (90) percent or more of the total grant sum is reserved for the sub-grantee/direct-performers of the lead-hazard reduction work.

II. ADMINISTRATIVE COSTS: WHAT THEY ARE NOT

For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low and moderate-income, private target housing: the term "administrative costs" should not be confused with the terms "general and administrative cost", "indirect costs", "overhead", and "burden rate". These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. ADMINISTRATIVE COSTS: WHAT THEY ARE

For the purposes of this HUD grant program, "Administrative Costs" are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total grant sum, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee and may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. ADMINISTRATIVE COSTS: DEFINITION

A. GENERAL

Administrative costs, are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III(C) of this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under NOFA Section III(C), or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own

segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. SPECIFIC

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated public agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity).

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of Grantee's general costs that are not directly attributable to specific projects or operating departments such as: The Mayor's and City Council's salaries and related costs; the costs of the City's General Council's office, not charged off to particular projects or operating departments; and the costs of the City's Accounting Department not charged back to specific projects or operating departments. (If Grantee has an established burden rate it should be used; if not Grantee shall be assigned a negotiated provisional burden rate, subject to final audit.)

Eligibility of HUD Assisted Housing

Eligibility of HUD-associated "eligible" housing units to participate under HUD's lead-based paint hazard control grant program

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The **Home** Program: **HOME** Investment Partnerships	Yes	**Housing - Multifamily Programs**	
HOPE for Homeownership of Single Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	**HOPE 2**: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	**Public and Indian Housing**	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD-TECHNICAL STUDIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HEALTHY HOMES AND LEAD TECHNICAL STUDIES

PROGRAM OVERVIEW

Purpose of the Program. To fund technical studies to improve methods for detecting and controlling lead-based paint and other residential health and safety hazards. The purpose of the Healthy Homes Initiative is to develop, demonstrate and promote cost effective, preventive measures to correct multiple safety and health hazards in the home environment that are associated with serious diseases and injuries in children. The purpose of the lead technical studies program is to improve methods for detecting and controlling residential lead-based paint hazards.

Available Funds. Approximately $2.5 million for healthy homes technical studies, and $1 million for lead technical studies.

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., State and local governments, and federally recognized Indian tribes are eligible to apply. For-profit firms also are eligible; however, they are not allowed to earn a fee.

Application Deadline. June 14, 2002.

Match. None required.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 14, 2002.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission (*e.g.,* mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. For U.S. Postal Service and Overnight/ Express Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

Application Submission Requirements. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800-HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the Healthy Homes and Lead Technical Studies grant program. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the Internet at www.hud.gov.

For Further Information and Technical Assistance. You may contact: Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 115, or Ms. Curtissa Coleman, Grants Officer, extension 119 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

II. Amount Allocated

Approximately $2.5 million from HUD's FY 2002 Healthy Homes Initiative appropriation will be available to fund technical studies proposals and approximately $1 million from the FY 2002 lead technical assistance appropriation will be available to fund lead technical studies proposals in FY 2002. Grants or cooperative agreements will be awarded on a competitive basis according to the Rating Factors described in Section V(B). For technical studies under the Healthy Homes Initiative, HUD anticipates awarding 3 to 6 grants ranging from approximately $200,000 to approximately $1 million. For lead technical studies, HUD anticipates awarding 1 to 4 grants ranging from approximately $250,000 to approximately $1 million.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description. Background

(1) *General Goals and Objectives.* (i) The overall goal of the Healthy Homes and Lead Technical Studies program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of health and safety hazards in the home. Through the Healthy Homes Initiative, HUD is assessing and promoting new risk reduction techniques and technical studies on the control of key hazards described in Appendix A. Objectives to be addressed by these projects are:

(a) Investigation of the epidemiology of housing-related hazards and illness and injury.

(b) Development and assessment of low-cost test methods and protocols for identification and assessment of housing-related hazards.

(c) Development and assessment of cost-effective methods for reducing or eliminating housing-related hazards.

(d) Evaluation of the effectiveness of housing interventions and public education campaigns, and barriers and incentives affecting future use of the most cost-effective strategies.

(e) Investigation of the health effects on children living in deteriorated housing and the impact on their development and productivity.

(ii) The overall goal of the lead technical studies program is to gain knowledge to improve the efficacy and

cost-effectiveness of methods for lead-based paint hazard evaluation and control. HUD is especially interested in the following technical studies topics:

(a) Evaluation of interior and exterior lead hazard control methodologies, especially novel approaches;

(b) The effectiveness of ongoing maintenance activities in controlling lead-based paint hazards;

(c) Other areas of focus that are consistent with the overall goals of HUD's lead technical studies program.

A table of examples of current Healthy Homes and Lead Technical Studies projects being funded by HUD can be found in Appendix C. HUD has also developed resource papers on a number of topic areas of importance under the Healthy Homes Initiative, including mold, environmental aspects of asthma, carbon monoxide, unintentional injuries, and hazard assessment. These papers can be downloaded from HHI web site at www.hud.gov.

(2) *Healthy Homes Initiative.* The Healthy Homes Initiative (HHI) departs from the more traditional approach of attempting to correct one hazard at a time (e.g., asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov. A description of the HHI is available at the HHI website, www/hud.gov.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (e.g., asthma and mold-induced illness). While such hazards will tend to be found disproportionately in housing that is substandard (e.g., structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to this Healthy Homes and Lead Technical Studies program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to this Healthy Homes and Lead Technical Studies program section of the SuperNOFA lists the references that serve as the basis for the information provided in this Healthy Homes and Lead Technical Studies section of this SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and in particular low-income children. The overall goals and objectives of the HHI are to:

(i) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(ii) Build local capacity to operate sustainable programs that will continue to prevent and, where they occur, minimize and control housing-based hazards in low and very low-income residences when HUD funding is exhausted.

HUD recognizes that there are many key scientific and implementation questions related to this Initiative, some of which were articulated in the HHI Preliminary Plan. With this NOFA, HUD hopes to advance the recognition and control of residential health and safety hazards and more closely examine the link between housing and health.

(3) *Lead Technical Studies.* HUD has been actively engaged in a number of activities relating to lead-based paint as a result of the Lead-Based Paint Poisoning Prevention Act of 1971, as amended, 42 U.S.C. 4801–4846. Sections 1051 and 1052 of the Lead Based Paint Hazard Reduction Act of 1992 (''Title X'') (42 U.S.C. 4854 and 4854a) state that the Secretary of HUD, in cooperation with other Federal agencies, shall conduct technical studies on specific topics related to the evaluation and subsequent mitigation of residential lead hazards. The HUD-sponsored technical studies program also responds to recommendations that were made by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. The Task Force presented its final report to HUD and the Environmental Protection Agency (EPA) in July 1995. The Task Force Report, entitled ''Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing'' (see Appendix A of this technical studies program section of the SuperNOFA), recommended research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control.

The findings of technical studies will be used in part to update HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (''*Guidelines*''), which were published in June, 1995 and amended in September, 1997. The *Guidelines* are a report on state-of-the-art procedures for all aspects of lead-based paint hazard evaluation and control. The *Guidelines* reflect the Title X framework for lead hazard control, which distinguishes three types of control measures: interim controls, abatement of lead-based paint hazards, and complete abatement of all lead-based paint. Interim controls are designed to address hazards quickly, inexpensively, and temporarily, while abatement is intended to produce a permanent solution. While the *Guidelines* recommend procedures that are effective in identifying and controlling lead hazards while protecting the health of abatement workers and occupants, HUD recognizes that targeted technical studies and field experience will result in future changes to the *Guidelines*. For availability of the *Guidelines*, see Appendix A of this technical studies program section of the SuperNOFA.

(B) Eligible Applicants

Academic and not-for-profit institutions located in the U.S., State and local governments, and federally recognized Indian tribes are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (i.e., no profit can be made from the project). Federal agencies and Federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

(C) Eligible Activities

(1) *Healthy Homes Initiative, Eligible Activities*

(a) Evaluation of residential health and safety hazard assessment and control methodologies (including both existing methods and the evaluation of improved or novel approaches). Areas of particular interest to HUD include:

—Improving indoor air quality, such as through cost-effective approaches to upgrading residential ventilation or improving control/management of combustion appliances. Applicants should discuss how proposed approaches might affect energy residential energy costs (e.g., increasing air exchange rates resulting in an increase in heating costs).

—Improving or assessing the efficacy of current methods for residential Integrated Pest Management (IPM). IPM approaches focus on the use of economical means for managing pests, which incorporate information on the life cycles of pests and their

interaction with the environment, while minimizing hazards to people, property, and the environment (see link at www.hud.gov). HUD is particularly interested in IPM methods for reducing cockroach and/or rodent populations in multifamily housing.

—Controlling excess moisture and dust control measures (e.g., preventing track-in of exterior dust and soil, improved methods for interior dust cleaning) have been identified as key areas in the HHI Preliminary Plan.

— Additional ideas will be considered with an open mind toward novel techniques and applications.

(b) Low-cost analytical techniques for the rapid, on and off-site determination of environmental contaminants of concern (e.g., bioaerosols, pesticides, allergens).

—Establish and validate any necessary procedures, such as extraction and/or digestion that would work well with the field device/procedure.

—Improve old technology (e.g., colorimetric tests, titrimetric procedures) as well as examine and improve newer techniques.

—Consider the safety, environmental impacts, and cost of the procedure, particularly as used in the field.

In proposing technical studies within the broad topic areas discussed in III.C.2(a) and III.C.2(b), applicants should consider the following:

—The ''fit'' of the proposed hazard assessment and/or control methods within the overall goal of addressing multiple health and safety hazards in a cost-effective manner.

—The efficacy of the proposed methods for hazard control and risk reduction (e.g., how long is effective hazard reduction maintained?).

—Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness.

— Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities.

Although HUD is soliciting proposals for technical studies on these broad topics, HUD will also consider funding applications for technical studies on topics that are relevant under the overall goals and objectives of this program, as described above. In such instances, the applicant should describe how the proposed project activity addresses these overall goals and objectives.

Applicants should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD's Healthy Homes and Lead Hazard Control grants, which are widely distributed throughout the U.S. Information on current grantees is available at www.hud.gov.

You may address one or more of the technical studies topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area.

(2) *Lead Technical Studies, Eligible Activities.*

(a) *Evaluation of Interior and Exterior Lead Hazard Control Methodologies, Especially Novel Approaches.* Identify and evaluate new methods and/or techniques for lead-based paint hazard control. Identify materials and/or procedures that may be used for abatement or for interim controls. Show the potential utility of these methods for lead hazard control and risk reduction. Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness. Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities. Illustrate the results obtained, and the costs involved. Recommend cost-effective changes to the Program for inclusion in future HUD lead hazard control grants, and for possible inclusion in future revisions to the Guidelines.

(b) *The Effectiveness of Ongoing Maintenance Program Activities in Controlling Lead-Based Paint Hazards.* While a variety of lead abatement and interim control techniques have been evaluated for their effectiveness in controlling lead-based paint hazards at and after their implementation, there is limited study directly assessing the effectiveness of ongoing lead-based paint maintenance programs. Evaluate the effectiveness and feasibility of developing and implementing ongoing lead-based paint maintenance programs, identify program components for which particular implementation difficulties exist, and evaluate proposed measures for overcoming those difficulties. Such quantitative evaluation of program components could address whether and how technically-acceptable and cost-effective work practices are selected and implemented, how effective supervisors are in monitoring work activities to ensure that lead-based paint hazards are controlled and that dust and debris are contained and cleaned up during work, and how well clearance procedures (including necessary re-cleaning) are integrated into the maintenance program, among other factors.

(c) *Other Focus Areas that are Consistent with the Overall Goals of HUD's Lead Technical Studies Program.* Additional ideas will be considered with an open mind toward novel techniques and applications. Although HUD is soliciting proposals for technical studies on some specific topics, HUD will also consider funding applications for technical studies on topics which are relevant under the overall goals and objectives of the lead hazard control technical studies program, as described above. In such instances, the applicant should describe how the proposed activity addresses these overall goals and objectives.

(D) Ineligible Activities

(1) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(2) Medical treatment costs.

IV. Program Requirements.

(A) *Applicable Requirements.* Please refer to Section II of the General Section of the SuperNOFA, Requirements and Procedures Applicable to All Programs. The threshold requirements are listed in Section II B of the General Section of this SuperNOFA. Applicants must comply with these threshold requirements.

(B) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects HUD's Core Values. Refer to the General Section of the SuperNOFA for additional information.

(C) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Refer to the General Section of the SuperNOFA for applicable requirements.

(D) *Certifications and Assurances.* In addition to the certifications mentioned in the Section II(G) of the General Section of the SuperNOFA, you must comply with the following:

(1) All relevant State and Federal regulations regarding exposure to and proper disposal of hazardous materials.

(2) Any blood lead testing, blood lead level test results, and medical referral

and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC) *Preventing Lead Poisoning in Young Children,* (See Appendix B of this technical studies program section of the SuperNOFA).

(3) HUD technical studies grant funds will not replace existing resources dedicated to any ongoing project.

(4) Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program.

(5) Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60.

(6) The requirements of OSHA (e.g., 29 CFR part 1910 and/or 1926, as applicable), or the State or local occupational safety and health regulations, whichever are most stringent, will be met.

(E) *Period of Performance.* The period of performance cannot exceed 36 months from the time of award.

(F) *Conducting Business in Accordance with HUD core Values and Ethical Standards.* If awarded assistance under this Super NOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See Section II(A)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

V. Application Selection Process

(A) *Submitting Applications for Grants.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in Section V (B) of this program section of the SuperNOFA. Your application must receive a total score of at least 70 points to remain in consideration for funding.

Awards will be made separately in rank order for Healthy Homes Technical Studies applications and Lead Technical Studies applications, within the limits of funding availability for each program.

Within each of the two technical studies programs, you may address more than one of the technical study topic areas within your proposal (e.g., a HH technical studies applicant can address multiple topics consistent with the HHI program objectives), or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area. While you will not be penalized for not addressing all of the specific objectives for a given topic area, if two applications for technical study in a given topic have equal scores, HUD will select the applicant whose project addresses the most objectives.

You are encouraged to plan projects that can be completed over a short time period (e.g., 12 to 24 months from the date of award) so useful information generated from the technical studies can be available for policy or program decisions and disseminated to the public as quickly as possible.

Regarding the amount to be awarded to the selected applicants, please refer to the Negotiations section in the General Section of this SuperNOFA.

(1) *Use of Residual Funds.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of fourteen (14) calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

(B) *Rating Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The factors or their assigned points differ somewhat from those used for most program areas included in this SuperNOFA because they have been amended for rating the unique aspects of technical study applications. The maximum number of points to be awarded is 100. The EZ/EC bonus points described in the General Section of the SuperNOFA do not apply to this Technical Studies NOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 Points)

This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of you, the ''applicant,'' will include any sub-grantees, consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, ''subordinate organizations''). In rating this factor HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (20 points). Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the technical study that is proposed under this program section of this SuperNOFA.

(2) *Past performance of the study team in managing similar projects* (10 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (i.e., projects completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor addresses the extent to which there is a need for your proposed study activities to address documented problems, target areas or target groups. In responding to this factor, you should document in detail how your project would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in Sections III (A) and (C)(1)–(2) of this program section of the SuperNOFA.

(1) Your rating will be based on the scope and completeness of your documentation that should include available data linking housing-based hazards to disease or injuries to children. Examples of data that might be used to demonstrate need include:

(a) Rates of childhood illnesses or injuries (e.g., asthma, burns) that could be caused or exacerbated by exposure to conditions in the home environment and/or rates of environmentally-related disease or adverse health effects (e.g., hypertension, elevated blood lead levels) that would be addressed by your technical study;

(b) Unavailability of other federal, state or local funding or private sector resources that could be, or are being used, to address the problem. This includes current research projects for which funding will be terminated or significantly reduced in the next 12 months.

(c) Data documenting affected groups or areas that are traditionally underserved or have special needs.

(2) If your application addresses needs that are in the Consolidated Plan, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified need.

(3) In addition, if you are seeking funding for ''other'' technical study focus areas, as is described in Section III(C)(1)(b) and III(C)(2)(c), you must document the importance and need for the project with respect to addressing the overall goal of this technical studies program.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality of your proposed technical study plan. Specific components include the following:

(1) *Soundness of the study design* (30 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible, your study should be designed to address testable hypotheses, which are clearly stated. Your study design should be statistically based, with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases, with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis and archiving.

Indicate if you will address any of the Department's FY 2002 policy priorities that are applicable to this program (see Section VI of the General Section of the SuperNOFA for a description of these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application. Policy priorities that are potentially applicable to the Healthy Homes and Lead Technical Studies NOFA are: (1) Improving the Quality of Public Housing and Providing More Choices for its Residents; and (2) Colonias.

(2) *Quality assurance mechanisms* (10 points). You must describe the quality assurance mechanisms that will be integrated into your project design to ensure the validity and quality of the results. Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (e.g., government reports, peer-reviewed academic literature) that provide the basis for your quality assurance mechanisms should be cited.

(3) *Project management plan* (8 points). The proposal should include a management plan that provides a schedule for the completion of major activities, tasks and deliverables, with an indication that there will be adequate resources (*e.g.,* personnel, financial) to successfully meet the proposed schedule. You are encouraged to plan a project with a duration of 24 months or less.

(5) *Budget Proposal* (2 Points). Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the General Section of this SuperNOFA. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format provided in Appendix D; an electronic spreadsheet is available on HUD's website, *www.hud.gov.* You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Your budget proposal should be activity and task related.

Rating Factor 4: Leveraging Resources (5 Points)

Your proposal should demonstrate that the effectiveness of HUD's Healthy Homes and Lead Technical Studies grant funds are being increased by securing other public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your project. Staff and in-kind contributions should be given a monetary value.

You should provide evidence of leveraging/partnerships by attaching to your application the following: Letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (5 Points)

(1) The extent to which you have coordinated your activities with other organizations that have or are in the process of conducting similar work. Your proposed study should build upon the existing body of related work and it should not significantly duplicate work that is currently being conducted, or has been conducted, by other organizations (to the extent that this can be ascertained);

(2) The extent to which your project will help generate practical solutions that can be funded and implemented locally for the identification and mitigation of health and safety hazards in residential environments;

(3) The extent to which your project findings can be used by various local and State governmental and non-governmental organizations to develop programs to implement improved evaluation and remediation strategies for addressing health and safety hazards in the residential environment in the absence of additional Federal funding.

VI. Application Submission Requirements

(A) *Applicant Data.* Your application must contain the items listed in this Section (VI(A)). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the non-standard forms can be found as Appendix D to this program section of the SuperNOFA: The items are as follows:

(1) Transmittal Letter that identifies what the technical study program funds are requested for (you should clearly specify that you are applying for funds under either the Healthy Homes Initiative technical studies program or the Lead Hazard Control technical studies program), the dollar amount requested, and the applicant or applicants submitting the application. If

two or more organizations are working together on the project, a primary applicant must be designated.

(2) Checklist and Submission Table of Contents (see Appendix D).

(3) The name, mailing address, telephone number, and principal contact person of the prime applicant. If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, similar information must be provided for each of these entities.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and/or SF–LLL, Disclosure of Lobbying Activities, where applicable. A Certification of Consistency with the Consolidated Plan is not required for this application.

(5) Completed Standard Forms SF–424, 424M, 424A, 424B, and other certifications and assurances listed in the General Section of the SuperNOFA.

(6) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request. Use the budget format discussed in Section V(B) Rating Factor 3:5, above. (See Appendix D.)

(7) A two-page (maximum) abstract containing the following information: The project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design described in the proposal.

(8) A project description/narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors should not exceed a total of 25 pages for each technical study topic area. Any pages in excess of this limit will not be read.

(9) Any important attachments, appendices, references, or other relevant information may accompany the project description, but must not exceed twenty (20) pages for the entire application. Any pages in excess of this limit will not be read.

(10) The resumes of the principal investigator and other key personnel. Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed technical studies.

(B) *Applicant Debriefing.* See Section VII(E)(2) of the General Section of the SuperNOFA for information about applicant debriefing.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1) and (b)(5) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

IX. Authority

These grants are authorized under sections 1051 and 1052 of the Residential Lead Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, sections 501 and 502 of the Housing and Urban Development Act of 1970, and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002, Pub. L. 107–73, approved November 26, 2001.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention:

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: In pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe;

dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and Rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent, urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides that may present hazards to occupants (*see below*). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps.

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Costs for lead hazard control can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and ''clearance testing,'' which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and ''sick building'' symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities.

The cost of mold/moisture-related intervention work (e.g., integrated pest management, clean & tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. In Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily contaminated homes range from $500–$5,000, with some costs also being dedicated to lead hazard control simultaneously through its lead+asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such ''take-home'' exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than 3/4 of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The ''add-on'' cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B—Relevant Publications and Guidelines

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free). A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD is available

at no charge from the National Lead Information Clearinghouse, 1–800–424–LEAD.

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from *www.osha-slc.gov/OshStd_data/1926_0062.html.*

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/htm.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from *www.epa.gov/lead/.*

4. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule: 24 CFR part 35, subparts A through R, published September 15, 1999, at **Federal Register** pages 50201 through 50231(HUD)—Telephone: 1–800–424–LEAD (National Lead Information Center). Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

5. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205–1240, January 5, 2001. TSCA Hotline: 202–554–1404 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/lead/leadhaz.htm.

Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

Reports and Articles

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Institute of Medicine. Indoor Allergens. Assessing and Controlling Adverse Health Effects. National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org.

5. Rom W.N., Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C. 2000. Can be downloaded from the Internet without charge from *www.epa.gov/children.*

BILLING CODE 4210–32–P

APPENDIX C ♦ Healthy Homes and Lead Technical Studies

Examples of Healthy Homes Technical Studies

No.	Title	Description
1	Urban Mold and Moisture Control Program	Assess the efficacy of low cost interventions to address mold and moisture problems as measured by subsequent reductions in fungal levels in environmental samples and reduction in asthma morbidity. Also includes development and validation of a visual assessment tool.
2	Improving the Lead Dust Final Clean Protocol to Reduce Cockroach Allergen Exposure	Determine effectiveness of modified cleaning protocols in reducing household contamination by cockroach allergen; evaluate polyclonal immunoassay for measuring cockroach allergens.
3	Healthy Public Housing	Document EHS hazards affecting public housing residents; evaluate remedial measures and quantify economic benefits of interventions
4	Head Start Healthy Homes Initiative	Evaluate home visitation with low cost interventions to Head Start families as a means of reducing health risks for asthma, lead poisoning and injury.
5	Baseline Study of Fungi in Urban Homes With No Known Moisture Problems	Identify fungal species and concentrations in samples of air and settled dust in homes with no known mold and moisture problems.
6	Use of GIS Predictive Modeling to Identify Homes at High Risk for Environmental Health Hazards	A GIS-based predictive modeling approach, built on an ongoing GIS modeling project for lead hazards, will be used to identify homes that are likely to have multiple environmental health hazards.
7	A Portable Instrument to Detect, Identify and Quantify Mold in Homes	The objective is to develop a relatively low cost, portable instrument to perform on-site evaluation of airborne concentrations of specific fungal species as well as estimates of total fungal concentration.
8	Evaluation of a Low Cost Method for Identification and Assessment of Mold Problems in Housing	The objective is to conduct laboratory and field testing of a new instrument for measuring the release of mold spores from surfaces.
9	Novel Markers of Fungal Exposure in Homes and Their Relationship to Respiratory Symptoms in Children in New York City	This research is evaluating the utility of fungal exposure assessment through immunoassay measurement of fungal extracellular polysaccharides (EPS) in house dust and fungal EPS specific immunoglobulin G (IgG) in the serum of participants to identify relationships between mold exposure and respiratory symptoms.

Examples of NOFA-Funded Lead Technical Studies

No.	Title	Description
1	Cleaning Lead Contaminated Dust from Hard Surfaces	The purpose of this research is to determine the effectiveness of various detergents in cleaning lead-contaminated dust from hard surfaces under varying conditions of wear and dust loading.
2	Monitoring HEPA Vacuum Dust Pick-up with an Aerosol Photometer	The objective of this research is develop a dynamic reading instrument that will indicate when a surface is sufficiently "clean".
3	Developing a Method for Collecting and Analyzing Vacuum Dust Samples for Lead Using Field Portable XRF	This research involves the development and assessment of a field method for collecting residential dust samples and analyzing them for lead using a field portable XRF analyzer.
4	The Use of Biosolids to Reduce Soil-lead Hazards	The study involves the application of treated biosolids to lead-contaminated urban yards with subsequent assessment of the effectiveness of the treatment in reducing lead concentration and bioavailability.
5	Assessing the Effectiveness of a State Law Requiring Lead Hazard Control Treatments in pre-1950 Rental Housing	The project is assessing the effectiveness of low cost treatments in reducing residential dust-lead hazards in rental housing.

APPENDIX D

The non-standard forms, which follow, are required for your Healthy Homes and Lead Technical Studies application. They are the "Checklist and Submission Table of Contents" and the "Budget Summary," including instructions.

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
HEALTHY HOMES AND LEAD TECHNICAL STUDIES GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter (limited to one page)**	Cover page
☐	**Applicant Abstract** (limited to a 2-pages; does not count towards 25-page limit)	_____
	Application Forms (to be included in Appendix 3)	
☐	Standard Form 424 and Standard Form 424A (Section B)	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD 424-M	
☐	Budget Summary (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2992 Certification regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required (See SuperNOFA)	_____
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Need/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self-Sufficiency and Sustainability	_____
	Appendices	
☐	Appendix 1 – Required material in support of the Rating Factors (e.g, resumes of key personnel, organizational chart, letters of commitment) arranged in order of Rating Factor. Does not count towards the 20-page limit; resumes limited to 3 pages each.	_____
☐	Appendix 2 – Optional material in support of the Rating Factors, arranged in order of Rating Factors, e.g., maps, letters of support. The 20-page limit applies to this Appendix.	_____
☐	Appendix 3 – Material relating to the forms, or budget material. (See Application Forms, above.)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____
☐	HUD 2994 Client Comments and Suggestions (Optional)	_____

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES DEMONSTRATION PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HEALTHY HOMES DEMONSTRATION PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Healthy Homes Demonstration Program is to develop, demonstrate and promote cost-effective, preventive measures to correct multiple safety and health hazards in the home environment that produce serious diseases and injuries in children. HUD is interested in reducing health threats to the maximum number of residents, especially children, in a cost efficient manner.

Available Funds. Approximately $5 million of funds.

Eligible Applicants. Not-for-profit institutions, and for-profit firms located in the U.S., state and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to include a fee in the cost proposal (i.e., no profit can be made from the project). Federal agencies and federal employees are not eligible to apply for this program.

Application Deadline. June 14, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this initiative, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. The application due date is June 14, 2002. Your completed application (one original and four copies) must be postmarked before 12:00 midnight Eastern Time, on June 14, 2002, and mailed to the address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. The address for all applications submitted is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, Attn: Ellen R. Taylor, 451 Seventh Street, SW., Room P3206, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929, or the TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Healthy Homes Demonstration Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the Internet at www.hud.gov.

For Further Information and Technical Assistance. You may contact Ms. Ellen Taylor, Planning and Standards Division, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 116, or Ms. Curtissa Coleman Grants Officer, extension 119. (These are not toll-free numbers.) Hearing- and speech-impaired persons may access the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of the broadcast, you should consult the HUD website at www.hud.gov.

II. Amount Allocated

Approximately $5 million will be available under the FY 2002 appropriation. Grants will be awarded on a competitive basis following evaluation of all proposals according to the Rating Factors described in Section V(C) of this program section. HUD anticipates that approximately 6 to 8 grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description

(1) *Background.* The Healthy Homes Demonstration Program is a part of HUD's Healthy Homes Initiative. The Healthy Homes Initiative (HHI) departs from the more traditional approach of attempting to correct one hazard at a time (e.g., asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.hud.gov.

The HHI builds upon HUD's existing housing-related health and safety issues, including lead hazard control, building structural safety, electrical safety, and fire protection to address multiple childhood diseases and injuries, such as asthma, mold-induced illness, carbon monoxide poisoning, and other conditions, related to housing in a more coordinated fashion. A coordinated effort is feasible because a limited number of building deficiencies contribute to many hazards. Substantial savings are possible using this approach, because separate visits to a home by an inspector, public health nurse, or outreach worker can add significant costs to efforts to eliminate hazards. A description of the HHI program, and a link to the Healthy Homes website, are available at *www.hud.gov.*

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and

biomedical research have led to the identification of new and often more subtle health hazards in the residential environment. While such hazards will tend to be found disproportionately in housing that is substandard (*e.g.,* structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to the Healthy Homes (HH) Demonstration program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to the HH Demonstration program section of the SuperNOFA lists the references that serve as the basis for the information provided in this section of the SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and, in particular, for low-income children. Section VI of the General Section of the SuperNOFA presents HUD's FY 2002 Policy Priorities and the text below presents the overall goals and objectives of the HHI:

(a) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(b) Build local capacity to operate sustainable programs that will prevent and control housing-based hazards in low and very low-income residences when HUD funding is exhausted.

(c) Affirmatively further fair housing and environmental justice.

(2) *Healthy Homes Demonstration Activities.* Through the Healthy Homes Demonstration program, HUD will initiate competitive projects to promote implementation of available risk reduction techniques for the control of key hazards described in Appendix A. HUD will award demonstration projects that implement housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors, and disseminate healthy homes information and replicate successful interventions.

HUD will evaluate proposals based on the elements described below. Applicants are required to be specific as to the locations where they are targeting their intervention activities to occur, the residents, individuals, or groups targeted to receive interventions, and the organizations targeted to continue to operate effective intervention strategies over the life of the award and thereafter.

Objectives to be addressed by these demonstration projects are:

(a) Identification of target areas and homes where interventions will occur.

(b) Identification and evaluation of effective methods of hazard abatement and risk reduction.

(c) Development of appropriately-scaled, flexible, cost-effective and efficient intervention strategies that take into account the range of conditions likely to be encountered in older housing, and that maximize the number of housing units that receive an intervention.

(d) Development of methodologies for evaluating intervention effectiveness.

(e) Development of local capacity in target areas and target groups to operate sustainable programs to prevent and control housing-based hazards, especially in low and very-low income residences.

(f) Development of a cost-effective protocol for identifying homes that are candidates for interventions, identifying hazards in these homes, and screening out homes where structural or other condition factors (e.g., cost) make interventions infeasible or impractical.

(g) Development and delivery of public outreach programs that provide information about effective methods for preventing housing-related childhood diseases and injuries and for promoting the use of these interventions.

(h) Targeting, through education and outreach, specific high-risk communities and other identified audiences such as homeowners, landlords, health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers, and low-income minority families.

(i) Implementation of media strategies to use print, radio and television to increase public awareness of housing-related hazards that threaten children.

(j) Dissemination of existing tools and, as needed, new tools to inform parents and caregivers about housing-related hazards and enable them to take prompt corrective action.

(B) Eligible Activities

The following direct activities and support activities are eligible under this grant program.

(1) *Direct Project Elements* (activities conducted by you and any sub-recipients):

(a) Performing evaluations of eligible housing to determine the presence of housing-based hazards (*e.g.,* mold growth, allergens, unvented appliances, exposed steam pipes or radiators, deteriorated lead-based paint) through the use of generally accepted testing procedures.

(b) Conducting housing interventions to remediate existing housing-based hazards and address conditions that could result in their recurrence. Any lead hazard evaluation and control work shall be conducted by persons qualified for the activities according to 24 CFR part 35, especially sections 13.1325 for abatement and 13.1330 for interim controls. Qualified persons must possess certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or otherwise having been trained in a HUD-approved course in lead-safe work practices. You may refer to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Guidelines) for additional information. The *Guidelines* and/or applicable regulations may be downloaded from the Office of Healthy Homes and Lead Hazard Control's homepage, linked to www.hud.gov. All pest control activities shall incorporate the principles and methods of integrated pest management (IPM). In technical terms, IPM is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at *http://ipmworld.umn.edu/textbook.htm.)*

(c) Undertaking housing rehabilitation activities that are specifically required to carry out effective control of housing-based hazards, and without which the intervention could not be completed and maintained. Grant funds under this program may also be used to control lead-based paint hazards, but such controls may not be a principal focus of the grant.

(d) Carrying out temporary relocation of families and individuals, when necessary, during the period in which intervention is conducted and until the time the affected unit receives clearance for re-occupancy. Residents relocated must be guaranteed the choice of returning to the unit after the intervention.

(e) If medical examinations of young children for conditions caused or exacerbated by exposure to hazards are demonstrated to be critical to the outcome of your project, and there are

no alternative sources to cover these costs, conducting such examinations.

(f) Environmental sampling, and medical testing recommended by a physician or applicable occupational or public health agency to protect the health of the intervention workers, supervisors, and contractors, unless reimbursable from another source.

(g) Conducting clearance testing and analysis for lead, mold, carbon monoxide and/or other toxins as appropriate, with respect to generally accepted standards or criteria, or where not available, other appropriate levels justified in conjunction with the project. Clearance dust samples related to lead-based paint must be analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP). All tests results related to lead-based paint must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(h) Carrying out architectural, engineering and work specification development and other construction management services to control housing-based hazards and remediate existing hazards.

(i) Providing training on safe maintenance practices to homeowners, renters, painters, remodelers, and housing maintenance staff working in low or very-low income housing.

(j) Providing cleaning supplies for hazard intervention and hazard control to faith-based and other community-based organizations for use by homeowners and tenants in low-income housing, or to such homeowners and tenants directly. (*See* Section VI(E) of the General Section of the SuperNOFA for more information about faith-based and other community-based organizations.)

(k) Conducting general or targeted community education programs on environmental health and safety hazards. This activity would include training on safe maintenance and renovation practices, among other topics. It would also include making materials available, upon request, in alternative formats for persons with disabilities (*e.g.,* Braille, audio, large type), and in languages other than English that are common in the community, whenever possible.

(l) Securing liability insurance for hazard evaluation and control activities to be performed. This activity is not an administrative activity.

(m) Supporting data collection, analysis, and evaluation of project activities.

(n) Maintaining a registry (updated at least monthly) of housing units in which housing-based hazards were not found during evaluation, and those in which such problems and hazards have been controlled. Units on the registry should be given priority for affirmatively marketing to low-income families with young children, and such families should be given preference for occupancy when they are vacant. (If you are selected for an award, HUD will provide specific data requirements for the registry.)

(o) Preparing quarterly progress reports and an overall final grant report detailing activities (e.g., number of units tested, types of interventions provided, evaluation of the most cost-efficient methodologies by type of unit), findings, and recommended future actions for cost-effective interventions, at the conclusion of grant activities.

(2) *Support Elements.*

(a) Your administrative costs.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) Ineligible Activities

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(3) Medical treatment costs, except as specified in Section III (C) (1)(e) above.

IV. Program Requirements

In addition to program requirements listed in the General Section of the SuperNOFA, you, the applicant, must comply with the following requirements:

(A) *Budgeting—Administrative Costs.* There is a 10% maximum for administrative costs, as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided in Appendix C of this NOFA.

(B) *Period of Performance.* The period of performance cannot exceed 36 months from the time of the award.

(C) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), funds may not be used for properties located in the Coastal Barrier Resources System.

(D) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), funds may not be used for construction, reconstruction, repair or improvement of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(E) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) (NHPA) and the regulations at 36 CFR part 800 apply to the mold intervention and related hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out any lead hazard control activities under this program. This must be obtained from the SuperNOFA Information Center at 1–800–HUD–8929.

(F) *Waste Disposal.* Waste disposal will be handled according to the requirements of the Occupational Health and Safety Administration (OSHA) (*e.g.,* 29 CFR part 1910 and/or 1926, as applicable), the Environmental Protection Agency (EPA) (*e.g.,* 40 CFR parts 61, 260–282, 300–374, and/or 700–799, as applicable), the Department of Transportation (*e.g.*, 49 CFR parts 171–177), and/or appropriate state or local regulatory agencies and applicable EPA, HUD, state and local regulatory agency guidance.

(G) *Worker Protection Procedures.* You must comply with the requirements of OSHA (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable), or the state or local occupational safety and health regulations, whichever are most stringent.

(H) *Written Policies and Procedures.* You must have written policies and procedures for all phases of intervention, including evaluation, development of specifications, financing, occupant relocation, independent project inspection, and clearance testing (*e.g.*, for mold, lead, carbon monoxide or other hazards, as applicable). You and all your subcontractors, sub-recipients, and their

contractors must comply with these policies and procedures.

(I) *Clearance Testing for Lead Hazard Control Activities.* Clearance dust testing must be conducted according to the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing rule (24 CFR part 35) for lead hazard control activities other than abatement. These are available at *www.epa.gov/lead* and *www.hud.gov,* respectively.

(J) *Continued Availability of Safe Housing to Low-Income Families.* Units in which housing-based hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents for not less than 3 years following the completion of intervention activities.

(K) *Environmental Review.* You must comply with HUD's regulations in 24 CFR 50.3(h) in carrying out responsibilities regarding environmental review. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

(L) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See Section II(A)(2) of the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

(M) *Relocation.* Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property, in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-assisted activity, is covered by Federal relocation statute and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing government-wide regulation at 49 CFR part 24. The relocation requirements of the URA and the government-wide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation or demolition for an activity undertaken with HUD assistance.

(N) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. Refer to the General Section of the SuperNOFA for applicable requirements.

(O) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Recipients of assistance must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements of subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing, and (2) business concerns which provide economic opportunities to low and very low-income persons. Frequently Asked Questions (FAQs) about Section 3 requirements are available at www.hud.gov.

(P) *Data collection and provision.* You must collect, maintain and provide to HUD the data necessary to document the various approaches used to evaluate and control housing-based hazards, including evaluation and control methods, building conditions, medical and familial information (with confidentiality of individually-identifiable information ensured) in order to determine the effectiveness and relative cost of these methods.

(Q) *Certifications and Assurances.* You must include the certifications and assurances listed in Section II(H) of the General Section of the SuperNOFA with your application. A Certification of Consistency with the Consolidated Plan is not required for this application.

(R) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if program funds are used in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other federal programs.

V. Application Selection Process

(A) *Threshold Requirements.* Please see Section II(B) of the General Section of this SuperNOFA. As an applicant, you must meet all of the threshold requirements of Section II(B) of the General Section of the SuperNOFA. Applications that meet all of the threshold requirements will be eligible to be scored and ranked based on the total number of points allocated for each of the rating factors described below. Your application must receive a total score of at least 70 points to remain in consideration for funding.

(B) *Rating and Ranking.* HUD intends to award the highest ranked applications listed in the Programs Section of the SuperNOFA within the limits of funding availability.

(1) In evaluating applications for funding HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other federal, state or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, HUD may elect to deduct points from the rating score as specified under the Factors for Award or set threshold levels for performance as specified in the funding announcement.

(C) *Factors for Award Used to Evaluate and Rate Applications.* This section provides the factors for rating and ranking your application and the maximum points for each factor. The maximum number of points to be awarded is 106, including the potential for six bonus points, as defined in paragraphs (1) through (3) of Section III (C) of the General Section of the SuperNOFA. This maximum includes two EZ/EC bonus points, two bonus points for Brownfields Showcase Communities, and two bonus points for the court ordered consideration in the City of Dallas, Texas, as described in Section III(C) of the General Section of the SuperNOFA

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses your organizational capacity necessary to

successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any faith-based and other community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. Applicants that are, or propose to, either partner, fund, or sub-contract with grassroots organizations, particularly faith-based and other community-based non-profits in conducting their work programs will receive higher rating points as specified in the Program Section of this SuperNOFA. See Section VI(E) of the General Section of the SuperNOFA for additional information. In rating this factor HUD will consider:

(1) Your recent, relevant and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day project manager in planning and managing large and complex interdisciplinary programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience, commitment to the project, and position titles. Resumes of up to three (3) pages each and position descriptions for up to three personnel in addition to the project director and project manager, and a clearly delineated organizational chart for your project must be included in an appendix. Copies of job announcements (including salary range) should be included for any key positions that are currently vacant, or contingent upon an award. Indicate the percentage of time that key personnel will devote to your project and any salary costs to be paid by funds from this program. Include descriptions of the experience and qualifications of subcontractors and consultants.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of project staff.

(3) Whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project immediately, and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in, or support, your project. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed project activities to address documented problems, target area(s) and target groups.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. You should pay specific attention to documenting the need as it applies to your target area(s), rather than the larger geographic area.

(2) Your documentation should summarize available data linking housing-based hazards to disease or injuries to children in your target area(s). Examples of data that might be used to demonstrate need, include:

(a) Economic and demographic data relevant to your target area(s), including poverty and unemployment rates;

(b) Rates of childhood illnesses (*e.g.,* asthma, allergies, hypertension, elevated blood lead levels) or injuries (*e.g.,* falls, burns) among children residing in your target areas that could be caused or exacerbated by exposure to conditions in the home environment; and

(c) Unavailability of other Federal, state or local funding or private sector resources that could be, or are being, used to address the problem.

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan and the Analysis of Impediments to Fair Housing Choice (AI) or derived from current census data or from other sources. All data that address the following should be documented:

(a) The age and condition of housing;

(b) The number and percentage of very-low and low-income families with incomes less than 50% and 80% of the median income, respectively, as determined by HUD, for the area, with adjustments for smaller and larger families. Statistics that describe low and very-low income families are available at *www.huduser.org/datasets/il/fmr00/sect82.html.* Additional census statistics are available at: *www.census.gov/hhes/www/income00.html, www.census.gov/hhes/income/income00/statemhi.html,* and *www.huduser.org/datasets/il/fmr00/index.html.*

(c) To the extent that statistics and other data contained in your community's Consolidated Plan or AI support the extent of the problem, you should include references to the Consolidated Plan or AI in your response.

(d) Data documenting targeted groups that are traditionally underserved or have special needs. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas are being proposed. If your application addresses needs that are in the Consolidated Plan or AI, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their project to an identified need.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on the proposed approach for addressing housing-based hazards and describe how proposed activities would help HUD achieve its goals for this program area. For you to receive maximum points for this factor, there must be a direct relationship between the proposed activities, community needs, and the purpose of the project. You may find that developing a Logic Model would be useful for this Rating Factor; information about developing a Logic Model is available at: *www.hud.gov.* The response to this factor should include the following elements:

(1) *Approach for Developing the Project* (25 points). Describe your overall approach for your proposed project. The description must include a discussion of specific planned project activities that address one or more of the following categories:

(a) *Project activities* (15 points).

(i) Describe in detail how you will identify, select, prioritize, and enroll units of eligible housing in which you will undertake housing-based hazard interventions, how you will integrate safe work practices into housing maintenance, repair, and improvements, and then target such units to low-income families with young children. You should use all reasonably available sources of information on controlling housing-based hazards in buildings and protecting workers and occupants during and after the intervention process.

(ii) Describe any assessment tools you would employ to establish baseline data.

(iii) Provide the estimated total number of owner occupied and/or rental units in which you will conduct interventions.

(iv) Describe your process for evaluating units of eligible housing in

which you will undertake housing-based hazard interventions.

(v) Describe any specialized testing or visual inspection that you will conduct during unit inspection with reference to source(s) of the protocol(s).

(vi) Discuss efforts to incorporate cost-effective methods to address multiple environmental health and safety hazards, and describe the specific interventions you will utilize to control housing-based hazards before children are affected; and/or to control these hazards in units where children have already been treated for illnesses or injuries associated with housing-based hazards (*e.g.,* burns, lead poisoning, asthma).

(vii) Describe the process for your referral of children for medical case management if this is not ongoing.

(viii) Describe your process for the development of work specifications for the selected interventions.

(ix) Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions, and provide cost estimates per intervention and per unit.

(x) Discuss your contracting process to obtain contractors to conduct interventions in selected units.

(xi) Describe your plan for the temporary relocation of occupants of units selected for intervention, if relocation is necessary, and how you will determine the need for relocation. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc. Describe how you will meet relocation requirements.

(xii) Describe your plan for ensuring right of return and/or first referral for occupants of units selected for intervention who have had to move for intervention to occur.

(xiii) Describe how you will affirmatively further fair housing.

(xiv) Describe the financing strategy, including eligibility requirements, terms, conditions, and amounts available, to be employed in conducting housing-based hazards activities. You must discuss the way funds will be administered (*e.g.,* use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.) as well as the agency that will administer the process.

(xv) Proposed methods of community education. These should include community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate.

(xvi) Proposed involvement of neighborhood, or faith-based and other community-based organizations in the proposed activities. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(xvii) Proposed methods to reach high-risk groups and communities, vulnerable populations and persons traditionally underserved.

(xviii) Indicate if, and describe how, you will address any of HUD's Departmental policy priorities. (See Section VI of the General Section of the SuperNOFA for a fuller explanation of HUD's policy priorities.) Policy priorities that are potentially applicable to the Healthy Homes Demonstration NOFA are: 1) Improving the Quality of Public Housing and Providing More Choices for its Residents; 2) Increasing the Participation of Faith-based and other Community-based Organizations in HUD Program Implementation; and 3) Colonias. You will receive one point for each of the applicable policy priorities that are addressed in your application.

(b) *Project Evaluation* (10 points). You are required to identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of interventions, and evaluate the effectiveness of interventions:

(i) Discuss the performance goals for your project and identify specific outcome measures;

(ii) Describe how the outcome information will be obtained, documented, and reported.

(2) *Approach for Implementing the Project* (20 points). Describe your project goals and objectives and the strategy you will use in planning and executing the project. You should provide information on the general approach and overall plan employed.

(a) *Baseline Plan for Project Management* (10 points). Include a management plan that:

(i) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing;

(ii) Incorporates appropriate performance goals and benchmarks;

(iii) Identifies major milestones and provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery;

(iv) Designates resources and identifies responsible entities; and

(v) Provides an estimate of per unit (or other appropriate apportionment) costs (and a basis for those estimates) for the type of interventions that are planned.

(b) *Budget Justification* (5 points). Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. Your budget should be submitted in the format recommended in Appendix D of this NOFA. An electronic spreadsheet and other budgetary forms are available on HUD's website, at www.hud.gov. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

(c) *Economic Opportunity* (5 points). To the greatest extent feasible, your project should promote job training, employment, and other economic opportunities for low-income and minority residents and businesses which are owned by, and/or employ, low-income and minority residents as defined in 24 CFR 135.5. You should:

(i) Describe how you or your partners will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR part 135. Describe how you will accomplish this requirement by (1) providing training and employment opportunities for low- and very low-income persons living within the grantee's jurisdiction, and by (2) providing business opportunities to businesses owned by low and very low-income persons living within the grantee's jurisdiction.

(ii) Describe how you or your partners will satisfy the requirements of Section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring low and very low-income persons or contracting with businesses owned by or employing low and very-low income persons. Frequently Asked Questions about Section 3 requirements are available at www.hud.gov.

(iii) Describe how your proposed project will further and support the policy priorities of the Department, including providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs; or providing educational and job training opportunities; and

(iv) Describe the extent to which your proposed activities will occur in an Empowerment Zone or Enterprise Community (EZ/EC), Urban Enhanced Enterprise Community (EEC), Strategic

Planning Community or Renewal Community, Brownfields Showcase Community, or the City of Dallas, Texas as defined in Section III(C)(1) through (3) of the General Section of the SuperNOFA.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources (such as financing, supplies or services) that can be combined with HUD's resources to achieve project purposes.

(1) In evaluating this factor, HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (such as services or equipment) allocated to your proposed project. Resources may be provided by state and local governmental entities, public or private organizations, or other entities willing to be your partner in this effort.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether a public or private source, which must describe the contributed resources that will be used in your project. Staff in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment with specific details including the amount of the actual contributions, you will not get rating points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed project. The commitment must be signed by an official legally able to make commitments on behalf of the organization.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor consists of three elements:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. Applicants that are, or propose to, either partner, fund, or sub-contract with grassroots organizations, particularly faith-based and other community-based non-profits in conducting their work programs will receive higher rating points as specified in the Program Section of this SuperNOFA. *See* Section VI(E) of the General Section of the SuperNOFA for additional information about faith-based and other community-based organizations.

(a) Describe your plan for integrating and coordinating housing-based hazard interventions with other housing-related activities (*e.g.,* rehabilitation, weatherization, removal of code violations, and other similar work).

(b) Describe your plans to consolidate housing-based hazard interventions with applicable housing codes and health regulations.

(c) Describe your plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future interventions to prevent and control housing-based hazards, particularly in low and very low-income housing.

(d) Detail the extent to which you will ensure that the needs of minorities and persons with disabilities will be addressed adequately during your intervention activities; and that housing in which hazards have been addressed will remain available and affordable in the long run for low-income, minority, large families, and for persons with disabilities.

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments;

(3) The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed.

(D) *Applicant Debriefing. See* Section VII (E)(2) of the General Section of the SuperNOFA for information about applicant debriefing.

VI. Application Submission Requirements

(A) *Applicant Information.* You should submit your application in accordance with the format and instructions contained in this program section of this SuperNOFA. The following is a checklist of required application contents. Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' are listed in the Checklist and Submission Table of Contents provided in Appendix D of this NOFA and are available electronically at *www.hud.gov.* The items are as follows:

(1) Transmittal letter (one-page only) that summarizes your proposed project, provides the dollar amount requested, and identifies you and your partners in the application.

(2) The name, mailing address, and telephone number of the principal contact person. If you are a consortium of associates, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities and you must specify the primary entity.

(3) Checklist and Submission Table of Contents.

(4) Standard Forms SF–424, 424A (Section B), 424B (Assurances/Non-Construction Programs), 424M, Total Budget (Federal Share and Matching).

(5) HUD–2880 (Disclosure and Update Report); HUD 2990 (Certification of Consistency with EZ/EC Strategic Plan); HUD 2992 (Certification regarding Debarment and Suspension); HUD 50070 (Certification for a Drug-Free Workplace); HUD 50071 (Certifications of Payments to Influence Federal Transactions); Form SF-LLL Disclosure of Lobbying Activities, where applicable. A Certification of Consistency with the Consolidated Plan is not required for this application.

(6) Application Abstract. An abstract describing the goals and objectives of your proposed program (2-page maximum) must be included in the proposal.

(7) A narrative statement addressing the rating factors for award. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors must not exceed a total of 25 pages (12 point font with 1 inch margins). Any pages in excess of this limit will not be read. (The 25-page limit does not apply to the two-page abstract.)

(8) Any attachments, appendices, references, or other relevant information that directly support the narrative may

accompany it, but must not exceed twenty (20) pages (12 point font with 1 inch margins) for your entire application. Any pages in excess of this limit will not be read. Specific criteria for the content of the appendices for the Healthy Homes Demonstration Program grant application are listed in the Checklist and Submission Table of Contents. (See Appendix D of this NOFA.)

(9) A detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3, element (2)(b). This information will not be counted towards the page limits. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10% of the Federal budget request.

(10) The resumes and position descriptions of your project director and project manager and up to three additional key personnel (in accordance with Rating Factor 1), not to exceed three pages each (12-point font with 1-inch margins). This information is to be included in Appendix 1 and will not be counted towards the page limit.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Activities assisted under this program are subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Healthy Homes Initiative does not constitute approval of specific sites where activities may be carried out. Following award execution, HUD will perform environmental reviews for activities to be carried out on properties proposed by your organization. You may not rehabilitate, convert, repair or construct a property, or commit or expend program funds or non-HUD funds for these program activities for any eligible property, until you receive written notification from the appropriate HUD official that HUD has completed its environmental review and the property has been approved. The results of environmental reviews may require that proposed activities be modified or proposed sites rejected.

IX. Authority

The authority for this program is Sections 501 and 502 of the Housing and Urban Development Act of 1970 and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002, Public Law 107–73, approved November 26, 2001.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. More information about housing-associated health and injury hazards is available at the Healthy Homes Initiative website, linked to www.hud.gov.

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma. Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Asthma'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative website, linked to www.hud.gov.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional, trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. Experts recommend having

combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe; dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides that may present hazards to occupants (see below). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps. In technical terms, Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at *http://ipmworld.umn.edu/textbook.htm*.)

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Costs for Lead Hazard Control can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and ''clearance testing,'' which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and ''sick building'' symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Mold'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative website, linked to *www.hud.gov.*

The cost of mold/moisture-related intervention work (*e.g.,* integrated pest management, clean and tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. For example, in Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily contaminated homes range from $500—$5,000, with some costs also being dedicated to lead hazard control simultaneously through its Lead+Asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures

are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take-home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such ''take-home'' exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The ''add-on'' cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

Appendix B

References: To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free). A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD is available at no charge from the National Lead Information Clearinghouse, 1–800–424–LEAD.

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha_slc.gov/OshStd_data/1910_1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd_data/1926_0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I.htm.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, (EPA) (Lead Hazard Standards, Work Practice Standards, EDP and State Certification and Accreditation programs for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/lead.

GUIDELINES

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

REPORTS

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without charge from www.hud.gov/offices/lead.

3. Institute of Medicine. *Indoor Allergens. Assessing and Controlling Adverse Health Effects.* National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997. Can be ordered from the Internet from www.nrdc.org

5. Rom W.N., Ed. *Environmental and Occupational Medicine.* Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, D.C. 1999. *Eliminating Childhood Lead Poisoning:* A Federal Strategy Targeting Lead Paint Hazards. Washington, D.C., 2000. Can be downloaded from the Internet without charge from *www.epa.gov/children.*

Appendix C

Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Congress set a top limit of ten (10) percent of the total grant sum for the Grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten (10) percent of the total grant amount. The balance of ninety (90) percent or more of the total grant sum is reserved for the sub-grantee/direct-performers of the lead-hazard reduction work.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low and moderate-income, private target housing: the term ''administrative costs'' should not be confused with the terms ''general and administrative cost'', ''indirect costs'', ''overhead'', and ''burden rate''. These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or

departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total grant sum, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee and may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs, are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III(B) of this Healthy Homes Demonstration NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under NOFA Section III(B), or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated public agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity).

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of Grantee's general costs that are not directly attributable to specific projects or operating departments such as: The Mayor's and City Council's salaries and related costs; the costs of the City's General Council's office, not charged off to particular projects or operating departments; and the costs of the City's Accounting Department not charged back to specific projects or operating departments. (If Grantee has an established burden rate it should be used; if not Grantee shall be assigned a negotiated provisional burden rate, subject to final audit.)

Appendix D

Forms: The non-standard forms, which follow, are required for your Healthy Homes Demonstration application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

BILLING CODE 4210–32–P

APPENDIX D

CHECKLIST AND SUBMISSION TABLE OF CONTENTS HEALTHY HOMES DEMONSTRATION GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter (limited to one page)**	Cover page
☐	**Applicant Abstract** (Limited to two pages; does not count toward the 25- page limit.)	_____
	Application Forms (to be included in Appendix 3)	
☐	Standard Form 424 and Standard Form 424A (Section B)	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
☐	HUD 424-M	
☐	Total Budget (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2992 Certification Regarding Debarment and Suspension	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required (See SuperNOFA)	
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Need/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Coordination, Self-Sufficiency and Sustainability	_____
	Appendices	
☐	Appendix 1 – Required materials in support of the Rating Factors (e.g., resumes of 3 key staff members, organizational chart, letters of commitment) arranged in order of Rating Factor. (Materials in this appendix do not count toward the 20-page limit; resumes are limited to 3 pages each.)	_____
☐	Appendix 2 – Optional materials in support of the Rating Factors, arranged in order of Rating Factor, e.g., maps, letters of support. The 20-page limit applies to this Appendix.	_____
☐	Appendix 3 – Material related to the forms, or budget materials. (See Application Forms, above.)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____
☐	HUD 2994 Client Comments and Suggestions (Optional)	_____

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category					
1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					
2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					
3. Travel					
3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					
3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	**Days**	**Rate per Day**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/offices/lead

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/offices/lead

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the
HUD Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each program NOFA discusses the travel requirements that should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items that will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees *Note: If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Total Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section.*	List the sub-grantees, sub-recipients, or sub-contractors that will help accomplish the grant effort. Besides, sub-grantees or sub-recipients, other contracts for services including those for conducting inspections, risk assessments, and clearance inspections; contracts with faith-based and community-based organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers should be listed under this item. Unless your proposed program will perform the primary grant effort with in-house employees (costs listed in Items 1 and 2), the costs for contractors, sub-grantees or sub-recipients performing the primary grant activities should be identified and listed in this section. Types of activities which should be shown in this section: • Contracts for all services • Training • Contracts with Faith-Based and Community Based Organizations or Other Governmental Organizations (note the 10% requirement discussed in this section) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or sub-grantee will perform, if not evident.

8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a sub-grantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Healthy Homes and Lead Hazard Control's website at: www.hud.gov/offices/lead) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

PROGRAM OVERVIEW

Purpose of the Program. BEDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Housing and Community Development Act of 1974, as amended, for the same project, or to improve the viability of a project financed with the Section 108-guaranteed loan. HUD intends to make available approximately $26 million in BEDI funds along with almost $3 million in unobligated Economic Development Initiative (EDI) funds, totaling approximately $29 million that will be available in FY 2002 to stimulate economic development by local governments and private sector parties in brownfields.

HUD desires to see BEDI funds (as defined in Section III (A)(1) below) and Section 108 funds used to finance projects and activities in brownfields that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. A BEDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. In FY 2002, HUD seeks to increase economic development opportunity throughout the country and promote energy efficient projects.

Available Funds. Approximately $29 million, as further described in Section II below. The maximum amount of any BEDI grant award this year will be $2 million per project.

Eligible Applicants. Only units of general local government eligible for assistance under the Community Development Block Grant (CDBG) program may apply for a BEDI grant and a Section 108 Guaranteed Loan. CDBG-eligible urban counties may also apply for funding, but units of general local government which participate in the Urban County may not submit an application independent of the Urban County. (See Section III(B) below for additional information regarding eligible applicants.)

Application Deadline. July 9, 2002.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Please submit your completed applications (one original and three copies) on or before July 9, 2002, to the addresses shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Only a limited number of express delivery services have access to the Robert C. Weaver, HUD Headquarters Building. All applications to field offices, homeownership centers and program hubs must be delivered by the United States Postal Service (USPS). Applications sent to the Robert C. Weaver Building may be mailed using the United States Postal Service or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into the Robert C. Weaver Building without escort. To avoid potential delivery problems, therefore, you must use one of the four carriers listed above. For purposes of this program section to the SuperNOFA, delivery by the approved services must be made during HUD's business hours, i.e., between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If one of these companies does not serve your area, you should submit your application via the USPS.

Mailed Applications. Your application will be considered timely filed if it is postmarked on or before 12:00 midnight of the application due date and received by the designated HUD office by or within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing (PS Form 3817) showing the date when the application was submitted to the USPS. The Certificate of Mailing will be your documentary evidence that the application was timely filed. The Certificate of Mailing is available from the USP.

Applications Sent by Overnight/ Express Mail Delivery To HUD Headquarters. An application sent by overnight delivery or express mail to HUD Headquarters will be considered by HUD as timely filed if it is received before or on the application due date, or if documentary evidence is provided that the application was placed in transit with the overnight delivery/ express mail service by no later than the application due date.

Applications to HUD Field Offices. Applications submitted to HUD Field Offices must be mailed via the United States Postal Service. At the same time the application and copies are submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD Field Office for the applicant's jurisdiction.

Addresses for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and two copies) by mail or permitted delivery service to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, Attention: BEDI.

When submitting the application, please specify BEDI on any label or mailing container, and include the applicant's name, mailing address (including zip code), street address (if different from mailing address) and zip code, and voice and facsimile telephone numbers (including area code), along with the contact person's name and voice and facsimile telephone numbers (including area code).

For Application Kits. To request an Application Kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800-HUD–8929. When requesting an Application Kit, please refer to BEDI. Please be sure to provide the applicant's name, address (including zip code), and telephone number (including area code), along with the name and phone number of your contact person. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209 to obtain an application kit. The Application Kit will also be available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. Contact Lisa Peoples, Economic Development Specialist, Office of Economic Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7140, Washington, DC 20410, telephone (202) 708–0614 ext. 4456 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this BEDI NOFA. However, HUD staff are not permitted to assist in preparing your BEDI application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information

that is a prerequisite to the offer of an award by HUD. In addition, the Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to those provisions of the HUD Reform Act pertaining to competitions that do not permit HUD staff to assist in the preparation of applications. HUD staff are available to provide advice and assistance to develop your Section 108 loan application.

Applicant Debriefing. Beginning not less than 30 days after the awards for assistance are announced, HUD will, upon receiving written request from the applicant, provide a debriefing to the requesting applicant. Information provided during a briefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to the contact person for the BEDI program, Ms. Lisa Peoples, at the address listed in the preceding paragraph.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of BEDI application(s). For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

HUD has available a maximum of $29,008,155 for grant awards under this program section. This amount consists of $25 million in appropriations under ''Brownfields Redevelopment'' heading in the Fiscal Year 2002 HUD Appropriations Act, $1,065,000 of unobligated appropriated funds from the Fiscal Year 2001 HUD Appropriations Act under the ''Brownfields Redevelopment'' heading, and $2,943,155 in funds originally appropriated for awards under the competitive Economic Development Initiative (EDI) program under the Fiscal Year 2000 HUD Appropriations Act. All such funds are authorized by Section 108(q) of the Act (as defined below). Consequently there will be no separate competition for EDI funds this year, and all of these funds are being made available by HUD for the purpose of assisting public entities in the redevelopment of brownfields. The maximum amount of a BEDI award under this competition is $2 million per project. If any additional funds become available for the BEDI program during Fiscal Year 2002, HUD may either fund additional applicants in accordance with this program section of the SuperNOFA, or may add these funds to funds available for future competitions pursuant to Section 108(q) of the Act.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* BEDI is designed to help cities redevelop abandoned, idled, or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination, i.e., brownfields. BEDI provides funding to local governments to be used in conjunction with Section 108 loan guarantees to finance redevelopment of brownfields sites. A BEDI grant award will be conditioned upon, and must be used in conjunction with, a new Section 108-guaranteed loan commitment. Both Section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to units of general local government eligible for assistance through either HUD's Entitlement or State and Small Cities segments of the Community Development Block Grant program. Such public entities may re-loan the Section 108 loan proceeds and provide BEDI funds to a business or other entity to carry out an approved brownfield economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application. In either case, BEDI grant funds and the 108 proceeds must be used to support the same eligible project.

(1) *Definitions.* Unless otherwise defined herein, terms defined in 24 CFR part 570 and used in this program section of this SuperNOFA shall have the respective meanings given thereto in that part.

Act means Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents submitted by an eligible applicant for BEDI grant funds, in accordance with the provisions of this program section of the SuperNOFA to finance a brownfield economic development project. A BEDI application must be accompanied by a Section 108 loan guarantee request, which may consist of either a brief summary of the proposed use of 108 funds, or a full application, which may either be submitted at the same time as the BEDI application or be provided within 60 days of BEDI grant award, as more fully explained in Section IV(C) of this program section. Note that the Section 108 application must be submitted to the appropriate HUD field office concurrently with its submission to Headquarters.

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by real or perceived contamination.

Brownfields Economic Development Initiative (BEDI) funds means the appropriated funds made available for the competition under this program section from any available BEDI or EDI appropriation.

Brownfields Economic Development Initiative (BEDI) project means an activity or activities (including mixed use projects with housing components) that are eligible under Section 108(q) of the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization in connection with brownfields.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to Section 108(q) and this program section of this SuperNOFA.

Economic Development Initiative (EDI) grant means the provision of economic development grant assistance under Section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

EPA means the U.S. Environmental Protection Agency.

Firm Commitment means either a written agreement or letter of understanding by which an applicant and/or a third party:

(1) Agrees to perform an activity specified in the application, and demonstrates its relationship to the proposed BEDI/Section 108 project;

(2) Specifies the amount of the commitment, and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; if the committed activity is to be self-financed, the third party must evidence its financial capacity through a corporate or personal financial statement or other appropriate means; and

(3) Irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the BEDI grant.

In order for an applicant's commitment of CDBG funds to be accepted by HUD as additional financing for a BEDI project, a resolution from the local governing body (e.g., city/borough council) authorizing the amount and permitted use(s) of the funds must be provided. Each agreement or letter of commitment must include the organization's name and proposed total level of commitment (including how the value was determined) and responsibilities as they relate to the proposed BEDI project. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization, and remain in effect for a period stated in the commitment.

Grassroots organization means any such organization as defined in Section VI (E)(2) of the General Section of the SuperNOFA above.

Showcase Community means an applicant chosen by the Federal Government's Brownfields National Partnership for inclusion in the Federal Government's Brownfields Showcase Communities program. (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of Showcase communities.)

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

(2) *Background.* HUD has multiple programs which are intended to stimulate economic and community development and promote economic revitalization of distressed areas, and which can be effectively employed to address and remedy brownfields conditions. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

(a) The CDBG program provides grant funds ($4.341 billion in FY 2002) by formula to local governments (either directly or through States) to carry out community and economic development activities. The Section 108 loan guarantee program provides CDBG-recipient communities with a source of financing for economic development, public facilities, and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the State CDBG program. The Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program as described in 24 CFR part 570, subpart M. BEDI grants must support Section 108 loan guarantees as generally described in this program section of this SuperNOFA.

(b) For FY 2002, the Section 108 program is authorized at $608,696,000 in loan guarantee authority. The full faith and credit of the United States is pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, as applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable ''Contract for Loan Guarantee Assistance.'') This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI authorization, Section 108(q) of the Act, was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. $2,943,155 in FY 2000 EDI appropriations is being made available under this program section of the SuperNOFA, conditioned on their award and use for brownfields economic development projects in accordance with this program section. A purpose of EDI (and BEDI) grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of a project financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the Section 108-guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *BEDI Program.* In the FY 2002 HUD Appropriations Act, Congress has made a specific appropriation of $25 million as authorized by Section 108(q) of the Act to assist in financing brownfields redevelopment, which funds are being made available under this program section along with $1,065,000 in unobligated funds appropriated for FY 2001 for brownfields redevelopment.

HUD intends all the funds available pursuant to this program section of the SuperNOFA to be used for purposes of the redevelopment of brownfields sites. Accordingly, BEDI funds shall be used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts on brownfields sites where contamination is known or suspected and a redevelopment plan exists. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applications whose scope is limited only to site acquisition and/or remediation (i.e., land banking), where there is no immediately planned redevelopment.

(5) *Integration of Other Government Brownfields Programs.* HUD expects and encourages local governments which are designated through (a) the Federal Government's Brownfields Showcase Community program, (b) other Federal brownfields programs (e.g., EPA's Assessment Pilot, Tax Incentive, or Revolving Loan Fund programs), (c) a State-supported brownfields program, or (d) a State or local related economic development program, to integrate efforts arising from those programs in developing projects for assistance under HUD's BEDI and Section 108 programs. Applicants should elaborate upon these ties in their response to the rating factors, where appropriate (*e.g.*, ''Capacity of the Applicant,'' ''Soundness of Approach,'' ''Leveraging Resources,'' or '' Coordination, Self-Sufficiency and Sustainability''—Rating Factors 1, 3, 4, and 5 respectively.)

(6) *Additional Security for Section 108 Loan Guarantee.* Public entities should be mindful of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity is required by the Act to pledge its current and future CDBG funds as security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (e.g., a loan made to a business as part of an economic development project). Applications proposing uses for BEDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s)

will satisfy the additional collateral requirements.

(7) *Uses of BEDI Funds*. Provided that proposals are consistent with other CDBG requirements, including meeting National Objectives and activity eligibility requirements under § 570.703 of the Section 108 Loan Guarantee regulations, the following are illustrative of ways in which BEDI funds can be used to support 108-guaranteed loans:

(a) *Land Writedowns*. Local governments may use a combination of Section 108 and BEDI funds to acquire a brownfield site for purposes of reconveying the site to a private developer at a discount from its purchase price. This approach would provide the developer with an asset of enhanced value that could be used as collateral for other sources of funding. Such other sources of financing could be used to finance environmental remediation or other development costs. In theory, the level of BEDI assistance could approximate the difference between the original cost of the site and its remediation in comparison to the market value of the remediated property.

(b) *Site Remediation Costs*. Local governments may use BEDI funds in any of several ways to address site remediation costs. If the local government proposes to use Section 108 funds to acquire real property, BEDI funds could be used to address assessment and site remediation costs as part of demolition, clearance, or site preparation activities. If the local government uses Section 108 funds to make a loan to a developer, BEDI funds could be granted or loaned to the developer for the purpose of addressing remediation costs as part of an economic development activity.

(c) *Funding Reserves*. The cash flow generated by an economic development project may be expected to be relatively ''thin'' in the early stages of the project, *i.e.*, potentially insufficient to meet operating expenses and debt service obligations. The BEDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(d) *Over-Collateralizing the Section 108 Loan*. The use of BEDI grant funds may be structured in appropriate cases to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan directly and therefore enhance the security of the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

The creation of a loan pool funded with both Section 108 and BEDI grant funds, for example, would provide loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio could then be pledged to the repayment of the Section 108 loan.

(e) *Direct Enhancement of the Security of the Section 108 Loan*. The BEDI grant can be used to cover the cost of providing credit enhancements for the Section 108 loan. For example, the BEDI grant can be used to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize, and thus will serve to protect the public entity's future CDBG funds.

(f) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses, non-profit groups or public entities in severely economically distressed neighborhoods. The BEDI grant can be used to make Section 108 financing affordable by serving to ''buy down'' the interest rate up front, or make full or partial interest payments. This might increase the financial viability of the businesses or other entities in the early start-up period, which might not otherwise be possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial or retail project in a brownfield area in order to act as a catalyst for other development in the area.

(g) *Combination of Techniques*. A combination of the above could be employed to implement a BEDI project successfully.

(B) *Eligible Applicants*. (1) Any public entity eligible to apply for Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for BEDI funds; units of general local government that participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR 570, subpart F, applicants will be required to provide evidence in the application from an authorized official of the State agency responsible for administering the State CDBG program stating that it will support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence shall take the form of the HUD Certification titled ''SECTION 108 LOAN GUARANTEES: State Certifications Related to Nonentitlement Public Entities'' included in this program section to the SuperNOFA, or which may be obtained either by downloading from the Internet or in the BEDI Application Kit to be published shortly after publication of this SuperNOFA. Note that effective January 25, 1995, non-entitlement public entities in the State of Hawaii are authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus non-entitlement public entities in all 50 states and Puerto Rico are eligible to participate in the Section 108 and BEDI programs.

(2) Applicants for BEDI projects must comply with the threshold requirements of Section II of the General Section of the SuperNOFA.

(C) *Eligible Activities and National Objectives*. (1) BEDI grant funds and Section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this program section of the SuperNOFA. You are required to submit applications that seek funding for BEDI projects that will contribute to the redevelopment and revitalization of brownfields. Applications that fail to meet the threshold requirements found in Section II(B) of the General Section of the SuperNOFA and the program requirements of this section will not be rated, ranked, or otherwise considered by HUD.

(2) Each activity assisted with Section 108 loan guarantee or BEDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. Applicants must clearly identify in their narrative statement (as described in Section V(B) of this program section below) the CDBG national objective to be achieved by the proposed project and provide the appropriate CDBG national objective regulatory citation found at 24 CFR 570.208. Applicants must also address, when applicable, how the proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the Entitlement and Small

Cities programs, or 24 CFR 570.482 for the State CDBG program.

(3) A grantee's aggregate use of its CDBG funds, including any Section 108 loan guarantee proceeds and Section 108(q) (BEDI) funds provided pursuant to this program section of the SuperNOFA, must comply with the CDBG primary objective requirements as described in Section 101(c) of the Act and 24 CFR 570.200(a) (3) for entitlement grantees, or 570.484 in the case of a recipient under a State's program.

(4) Applicants are reminded of the Department's Policy Priorities for FY 2002 found in SectionVI of the General Section of the SuperNOFA, several of which apply to this program section, as described below, under Rating Factors 3 and 5 in Section V of this program section.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), § 570.702 (Eligible applicants), and § 570.703 (Eligible activities), as explained in Section III (C) of this program section of the SuperNOFA, the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of BEDI funds, as applicable.

(B) *Compliance with Applicable Laws.* Applicants are advised that an award of BEDI funding does not in any way relieve the applicant or third party users of BEDI funds from compliance with all applicable Federal, State and local laws, particularly those addressing the environment. Applicants are further advised that HUD may require evidence that any project involving remediation has been or will be carried out in accordance with applicable law, including voluntary clean up programs.

(C) *Related Section 108 Loan Guarantee Request.* (1) Each BEDI application must be accompanied by a request for new Section 108 loan guarantee assistance. The request may take any of the four forms as defined below. Notwithstanding the form of your request for new Section 108 loan guarantee assistance under paragraphs (a), (b), (c), or (d) below of this Section IV(C), you must include citations to the specific regulatory subsection supporting activity eligibility and National Objectives compliance for the Section 108 funds described in your application. (See Section III(C) of this program section of the SuperNOFA.) Both the BEDI and Section 108 funds must be used in conjunction with the same BEDI project.

(a) A full application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a subsequent new Section 108 loan guarantee application(s). Such a 108 application(s) will be submitted within 60 days of written notice of BEDI selection. BEDI awards will be conditioned on approval of actual Section 108 loan commitments in a specific ratio of BEDI funds to Section 108 funds as approved by HUD in the BEDI award. The application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of the SuperNOFA.)

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the BEDI application. The applicant's submission of such a BEDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related BEDI award.

(d) A request for Section 108 loan guarantee assistance (analogous to Section IV(C)(1)(a) or (b) of this BEDI section of the SuperNOFA) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project is not eligible to be used in conjunction with a BEDI grant under this program section.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or BEDI grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for a BEDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded a BEDI grant of $1 million and had agreed to submit a Section 108 loan application for $10 million in support of that BEDI grant, the public entity's application under this program section of this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Prohibitions on Use of BEDI and Section 108 Funds.* Certain restrictions shall apply to the use of BEDI and Section 108 funds:

(1) BEDI grant funds must not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with BEDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Rev.) Appendix A, Sections II. 2.c. and d., (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(3) BEDI grant funds shall not be used in any manner by grantees to provide public or private sector entities with funding to remediate conditions caused by their own actions, where the public entity (or other known prospective beneficiary of the proposed BEDI grant) has been determined responsible for causation and remediation by order of a court or a Federal, State, or local regulatory agency, or is responsible for the remediation as part of a settlement approved by such a court or agency.

(4) Applicants may not propose projects on sites which are listed or proposed to be listed on EPA's National Priority List (NPL). Further, applicants are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or which are the subject of on-going litigation or environmental enforcement action.

(5) Your attention is called to Section I (D) of the General Section of the SuperNOFA, which notes that the FY 2001 HUD Appropriations Act prohibits the use of funds appropriated under such Act from being used to benefit a facility whose predominant use is the sale of tobacco. See that section for more details.

(6) In addition, BEDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of a BEDI grant pursuant to this SuperNOFA. However, the BEDI grant may be awarded before HUD approval of the Section 108 commitment if HUD

determines that such award will further the purposes of the Act.

(7) A BEDI award will not be made if the Section 108 request contained in the application (See Section IV(C) of this program section) calls for the use of the Section 108-guaranteed obligation solely as security for other financing on the project.

(A) *Time-frames.* BEDI grant awards will contain conditions requiring grantees to adhere to time-frames mutually agreed on by the applicant/grantee and HUD for implementing proposed projects and drawing Section 108 and BEDI funds. However, as a condition of any award under this program section, if the related Section 108 application has not been submitted and approved and the Note guaranteed within fifteen (15) months of written HUD notification of grant award, HUD may deobligate the BEDI funds. In addition, if a grantee should fall fifty percent (50%) or more behind both the stated activity and draw-down schedules provided for in the BEDI grant agreement within the first eighteen (18) months of the grant period, and for each quarter thereafter, HUD may recapture the balance of the grant funds (unless HUD has authorized an amendment to the stated schedules in writing, in which case the aforementioned 50% calculation would apply to the amended and approved schedules). If BEDI grant funds and Section 108 loan proceeds are not disbursed to the applicant within the timeframes specified in the BEDI Grant Agreement, HUD reserves the right to recapture the BEDI funds.

(F) *Limitations on Grant Amounts.* (1) HUD expects to approve BEDI grant amounts for approvable applications with a range of ratios of BEDI grant funds awarded to new Section 108 loan guarantee commitments but the minimum ratio will be $1.00 of Section 108 loan guarantee commitments for every $1.00 of BEDI grant funds. However, if you propose a leverage ratio of exactly 1:1, your application, while still meeting the threshold requirement, will not receive any points under the Rating Factor 4, paragraph (1): ''Leverage of Section 108 Funds.''

To receive points under this Factor, applications will have to exceed the 1:1 minimum ratio, and the higher the ratio, the more points will be awarded. Because the proposed ratio of BEDI funds to Section 108 funds represents an applicant's financial commitment, HUD will condition the BEDI grant award on the grantee's achievement of that specific ratio. Its failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio will result in the cancellation and recapture of all or a proportionate share of the BEDI grant award.

(2) HUD will cap BEDI awards at a maximum of $2 million per project. An application in excess of $2 million will be reduced to the extent HUD determines that such a reduction is appropriate.

(3) After selection, but prior to grant award, if HUD determines that an application can be funded at a lesser BEDI grant amount than requested and still be feasible and consistent with the proposed plan and the purposes of the Act, it reserves the right to reduce the amount of the BEDI award and/or increase the required Section 108 loan guarantee commitment.

(4) In the event you are awarded a BEDI grant that has been reduced below the original request (e.g., your application contained some activities that were ineligible, exceeded the $2 million cap, or there were insufficient funds to fund the last competitive application at the full amount requested), you will be required to modify your project plans and application to conform the terms of HUD approval before HUD will execute a grant agreement.

(5) HUD also will proportionately reduce or deobligate the BEDI award if you do not submit an approvable Section 108 loan guarantee application and issue Section 108-guaranteed obligations on a timely basis (including any extension authorized by HUD) in the amount required by the BEDI/108 leveraging ratio, which will be approved by HUD as a special condition of the BEDI grant award (*see* Section IV(E)(1) above of this program section of the SuperNOFA).

(6) Any modifications or amendments to your application approved pursuant to this SuperNOFA, whether requested by you or by HUD, must be within the scope of the approved original BEDI application in all respects material to rating the application, unless HUD determines that your revised application remains within the competitive range and is otherwise approvable under this SuperNOFA competition.

(7) In the case of a requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d), above), the BEDI assistance approved will be based on the increased amount of Section 108 loan guarantee assistance.

(G) *Timing of Grant Awards and Disbursements.* (1) To the extent you submit a full and complete Section 108 application with the BEDI grant application, HUD will evaluate your Section 108 application immediately following the competition for BEDI grant funds. Note that the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters.

(2) HUD's notice to you of the amount and conditions of BEDI funds awarded, based upon review of the BEDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. However, BEDI funds must not be disbursed to the grantee before the issuance of the related Section 108 guaranteed obligations.

(3) Pursuant to the FY 2002 HUD Appropriations Act (Pub. L. 107–73, under the ''Brownfields Redevelopment'' heading) and 31 U.S.C. 1552(a), FY 2002 BEDI funds must be obligated (i.e., awarded) by HUD by September 30, 2003, and must be disbursed by HUD to the grantee by September 30, 2008. FY 2000 EDI funds must be obligated by September 30, 2002, and must be disbursed by HUD to the grantee by September 30, 2007. FY 2001 BEDI funds are not subject to statutory obligation or disbursement deadlines. In all cases, however, HUD reserves the right to require earlier disbursement under a BEDI grant agreement.

(H) *Economic Opportunities for Low and Very Low-Income Persons, including Those with Disabilities.* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is applicable to BEDI grant recipients. Please see Section II(E) of the General Section of the SuperNOFA.

(I) *Nondiscrimination.* In addition to the other requirements found in Section II of the General Section of this SuperNOFA, Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), is applicable to BEDI grant recipients. Applicants must therefore adhere to HUD regulations at 24 CFR parts 6 and 570, including, but not limited to, reporting and record-keeping requirements under 24 CFR 570.506 and 570.507, and must have resolved to HUD's satisfaction any letter of noncompliance findings under Section 109 before the deadline for BEDI application submission.

(J) *Obligation to affirmatively further fair housing.* Grantees that use BEDI funds in projects that involve the construction, rehabilitation, or other provision of residential housing are obliged to affirmatively further fair

housing. Therefore, applicants that propose to use BEDI funds in projects that involve residential housing must include in their applications an explanation of how they propose to further fair housing opportunities for persons on the basis of race, color, national origin, sex, religion, familial status, or disability. Applicants should respond to this requirement under Rating Factor 3, subfactor (1). Affirmative activities include, but are not limited to, initial and periodic assessments of the extent to which affordable and accessible housing opportunities are provided or denied to persons by race, color, national origin, sex, religion, familial status, or disability; outreach to persons in underserved population groups or advocacy organizations representing such persons; and affirmatively fair marketing. Applicants that do not propose to use BEDI funds in projects that involve residential housing should include a statement to this effect in their applications.

(K) *Core Values—your attention is called to Section II(B)(2) of the General Section of the SuperNOFA.*

(L) *Small Businesses—another of HUD's goals, to increase the participation of small and disadvantaged, including women-owned, businesses, if possible, is described more particularly in Section II(F) of the General Section of the SuperNOFA.*

V. The Application Selection Process

(A) Rating and Ranking.

(1) Each rating factor and the maximum number of points are provided below. The maximum number of points to be awarded is 106. To be eligible for funding, a BEDI application must obtain a total score of at least 70 points, of which a minimum of 40 points (out of a maximum possible score of 60 points) must be achieved in Rating Factors 1 (Capacity) and 3 (Soundness of Approach) combined.

(2) All applications meeting BEDI program and threshold requirements will be rated under the selection criteria below. *Applications must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III(C) of this program section of this SuperNOFA). The applicant must also provide narrative statements in response to each of the rating factors below.

Applications will be selected for funding as follows:

(3) All BEDI grant applications that meet threshold requirements will be ranked separately in order of points assigned with the applications receiving more points ranked above those receiving fewer points.

(4) In the event two or more applications are given the same score, but there are insufficient funds to fund all of the tied applications, the application(s) with the highest score(s) on Rating Factor 3 (Soundness of Approach) shall be selected. If there is still a tie, the following Factors will be considered sequentially, with the application having the high score on that Factor taking precedence until the tie is broken: Rating Factor 1 (Capacity and Experience), Rating Factor 2 (Distress/Extent of the Problem), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Coordination, Self-Sufficiency and Sustainability).

(5) Fundable BEDI project applications must meet the threshold requirements stipulated in Section II(B) of the General Section of this SuperNOFA and be complete as required by the submission requirements of this program section of the SuperNOFA or they will not be ranked. Economic development projects will be funded in rank order until the total aggregate amount of the applications funded is equal to the maximum amount available in the competition (subject to the limitations described in Section IV(F) above).

(B) BEDI Narrative Statement

(1) Applications must contain narrative statements printed in 12 point type, with sequentially numbered pages for the entire application, including forms and exhibits. The BEDI narrative statement must not exceed three (3) 8.5″ by 11″ pages, doubled-spaced. The BEDI narrative statement should:

(a) Describe the activities that will be carried out with the BEDI grant funds, and explain the nature and extent of the brownfield problem(s) affecting the the site and/or structure(s) already on the site; and

(b) Describe how the proposed uses of BEDI funds will meet the National Objectives under 24 CFR 570.208 of the CDBG program and qualify as eligible activities under 24 CFR 570.703. *Applications must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III(C) of this program section of this SuperNOFA).

(2) The applicant must also provide in narrative form responses to each of the rating factors below.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will evaluate all applications for funding assistance based on the following factors, the responses to which demonstrate the quality of the proposed project or activities, and the applicant's capacity and commitment to use the BEDI funds in accordance with the purposes of the Act.

(D) Responses to Rating Factors 1–5 below shall not exceed fifteen (15) double-spaced pages combined.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points Maximum)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' will include any subcontractors, consultants, and sub-recipients that are firmly committed (see definition in Section III(A)(1) above) to participate in the activities described in the application. In rating this factor, HUD will consider the following:

(1) (up to 15 points) The applicant should demonstrate that it has the organization, the staff and financial resources in place to implement the specific steps required to successfully carry out its proposed BEDI/Section 108 project. Evidence of this capacity includes:

(a) Performance in the administration of its CDBG, HOME or other HUD programs;

(b) Performance, if any, in carrying out economic development projects similar to that proposed, including brownfields economic development or redevelopment projects, if any, and the ability to conduct prudent underwriting, if applicable;

(c) Ability to carry out projects and programs in a timely manner. An applicant must address its performance in spending previously awarded funds, if any, in a timely manner, including, for CDBG entitlement recipients, the extent to which it has met the HUD standard of having no more than 1.5 times its entitlement amount undisbursed (see 24 CFR 570.902(a)(1)(i)); and,

(d) If applicable, capacity to manage projects and funds awarded as a result of a federal Empowerment Zone/ Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation).

(e) An applicant that has previously received an EDI or BEDI grant award must describe the status of the implementation of those project(s) assisted with EDI or BEDI funds, any delays that have been encountered and the actions it is taking to overcome any

such delays in carrying out the project(s) in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out approved activities funded with such grant funds and the associated Section 108-guaranteed loan funds.

If any of the rating criteria listed under (a) through (e) above do not apply to an application, the rating for this subfactor (1) shall be based solely upon the other applicable criteria.

(2) (up to 10 points) Experience and performance of subrecipients, nonprofit organizations and other entities, if any, that have a role in implementing the proposed BEDI/108 program should be included in the response to this subfactor (2). If there are no third parties participating with the applicant in the proposed project, points under this subfactor (2) will be allocated under subfactor (1) and added to the maximum points possible under it.

Experience will be judged in terms of recent (i.e., within the past 3 years) and successful performance of activities relevant to those proposed in the BEDI application. The more recent and extensive the experience, the greater the number of points that will be awarded for this Factor.

In responding to sections (1) and (2) above of this Factor, applications that merely summarize the amount of funds received/spent/under management will receive fewer points than those providing specific measurable information on accomplishments.

In addition to the application, HUD also may rely on information at hand or available from public sources such as newspapers, from performance and/or monitoring reports, Inspector General or Government Accounting Office reports or findings, hotline complaints that have been proven to have merit, audit reports and other available information in rating this Factor.

Rating Factor 2: Distress/Extent of the Problem (20 Points Maximum)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress in both the jurisdiction of the public entity that is the applicant *and* the geographic area that will benefit from the project. In responding to this Factor, applications will be evaluated on the extent to which the level of distress is documented and compared with national data.

(1) In applying this Factor, HUD will consider current levels of distress defined in standard geographic terms in the area (*i.e.*, Census Tract(s) or Block Groups immediately surrounding the project site up to a radius of one-half mile), or it may be the target area proposed to be served by the project, along with the jurisdiction in which the project is to be located. The applicant should describe the nature of the distress that the project is designed to address and the rationale for its definition of the area to be benefited. Examples of project beneficiaries include: (a) those receiving or using products or services produced by the project, and (b) those employed by the project.

To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy found therein identify the level of distress in the jurisdiction and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the area for which benefit is claimed could still receive points under this Factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in the target area.

(2) Applicants should provide data that address the following specific indicators of distress:

(a) Poverty rate (up to 8 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for both the target area and the applicant's jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Equal to or greater than, but less than twice, the national average: 2 points;

(ii) Equal to or greater than twice, but less than three times, the national average: 5 points;

(iii) Equal to or greater than three times the national average: 8 points.

(b) Unemployment (up to 8 points)—an application that compares the local unemployment rate for the applicant's jurisdiction and the target area in the following manner to the national average at the time of submission will receive points under this Section as follows:

(i) Equal to or greater than, but less than twice, the national average: 2 points;

(ii) Equal to or greater than twice, but less than three times, the national average: 4 points;

(iii) Equal to or greater than three times, but less than four times, the national average: 6 points;

(iv) Equal to or greater than four times the national average: 8 points.

(c) Other Indicators of social and/or economic decline that best capture the applicant's local situation (up to 4 points)—examples that could be provided under this section include information demonstrating the target area and the jurisdiction's stagnant or falling tax base, including recent (within the last three years) commercial or industrial closings, downturns or layoffs; housing conditions, such as the number and percentage of substandard and/or overcrowded units; rent burden (defined as average housing cost divided by average income) for both the target area and jurisdiction; local crime statistics.

HUD requires use of sound and reliable data (*e.g.*, U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

Unemployment rate—estimated monthly for counties, with a two-month lag;

Poverty rate—estimated every two years, with a three-year lag, with 2000 being the most recent available.

In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, in order to compare such data to those provided by applicants.

Rating Factor 3: Soundness of Approach (35 Points Maximum)

This factor addresses the quality and cost-effectiveness of the proposed plan. The relationship between the proposed eligible activities, community needs and purposes of the program funding must be clearly described, as follows, in order to receive points for this Factor. In rating this Factor, HUD will consider the following:

(1) Consistency/appropriateness of proposed activities with identified needs. (Up to 8 points)—The extent to which the proposed plan for use of BEDI grant/Section 108-guaranteed loan funds will address the needs described in Rating Factor 2 above regarding the distress and extent of the problem in the target area or area to be benefited. The

applicant should provide a clear and quantified explanation of this relationship. As part of the response to this Factor, an applicant should also identify the specific eligible activities it will carry out, and should fully describe:

(a) How the project will achieve one of the National Objectives under the Community Development Block Grant program, and

(b) How the project will address the applicant's Consolidated Plan and its Analysis of Impediments, if any, including the following issues:

(i) Affordable housing—the extent to which the applicant will offer current residents of the proposed site or area that will benefit from the proposal an opportunity to relocate to environmentally healthy housing or neighborhoods which have more amenities and services, better employment and educational opportunities, and to housing that provides the accessibility and visitability features that families require, or to remain in the revitalized neighborhood, if applicable; and

(ii) The extent to which it will be used to accommodate people with disabilities.

(2) Feasibility and Demonstrable Benefits. (Up to 15 points)—The extent to which the plan is logical, feasible and likely to achieve its stated purpose. HUD's desire is to fund projects and activities that will quickly produce demonstrable results and advance the purposes of the BEDI program. Points for this subfactor will be awarded in two parts, for the following:

(a) Understanding of Steps to Implement. (Up to 8 points)—The extent to which the plan demonstrates a clear understanding of the steps required to implement the project, including the actions that all parties responsible for implementing the project must complete.

(i) Pre-construction—the extent to which your response to this Factor takes into account site selection, planning, and environmental issues typical of many brownfields remediation efforts will be considered under this subfactor. You are cautioned, for example, against proposing projects on sites where the nature and degree of environmental contamination is not well-quantified or that are the subject of on-going litigation or environmental enforcement. Moreover, sites with unknown or exceptionally expensive contamination problems may be beyond the scope of the BEDI program's financial resources, and sites subject to pending and current litigation may not be available for remediation and development or redevelopment in a time-frame consistent with HUD's desire for rapid progress in the use of BEDI and Section 108 funds.

(ii) Description of problem and solution—the applicant should explain each undertaking and the sequence of undertakings that are required to complete the project. This includes a full description of both the problem (including, but not limited to, the extent of environmental contamination) and the benefits that will accrue from the project, i.e., permanent jobs, amount of commercial or industrial space, housing units to be provided, and the timing of the delivery of benefits. For multi-phase projects, the response to this Factor must clearly delineate the different phases, whether or not they are to be funded by BEDI/Section 108 funds, as well as a proposed schedule for drawing down all funds necessary to complete the project, including BEDI and Section 108 funds.

(iii) Monitoring performance—the extent to which applications describe means of assessing progress, tracking performance goals and achievements against Plan objectives.

(b) Timeliness (Up to 7 points)—The extent to which the plan demonstrates that the project is ''ready to go'', *i.e.,* will produce demonstrable benefits within a short period of time.

(i) Applications providing evidence that authority necessary to proceed with the project activities identified in subfactor (a) above, such as any necessary zoning classification, waivers, general and special use permits, assessment district designation, public easements and rights-of way, memoranda of understanding, site control, etc., have been sought and/or received will receive up to three (3) points for this subfactor (i).

(ii) The applicant should provide a specific time schedule (with both beginning and end dates) for carrying out the project and identify measurable objectives (acquisition, site improvements, construction, etc.) to be accomplished. (Up to 2 points)

A timeline form is provided in Appendix A to this program section of the NOFA and also in the Application Kit for this purpose, but HUD will consider the timeline only as an illustration of the narrative response to this subfactor (2).

(iii) BEDI applications accompanied by a full and complete Section 108 application will receive up to two (2) points for this subfactor (iii).

(3) Financial Feasibility/Need (up to 10 Points)—The extent to which the applicant demonstrates that its project is financially feasible based on its proposed use of BEDI and Section 108 funds. In responding to this subfactor (3), the applicant must clearly address the question of why the BEDI funds are critical to the success of this project by providing the following items, as applicable:

(a) Project costs and financial requirements—a funding sources and uses statement, as well as the derivation of project costs;

(b) How the BEDI and Section 108 funds will be used;

(c) The applicant's criteria for determining funding need and feasibility;

(4) Other (Up to 2 Points)—

(a) The extent to which the project demonstrates energy-efficient solutions to the problems addressed in Rating Factor 2 above, in the construction and/or the operation phases once the overall project is completed. Examples of such conservation and/or other efficiencies include the following: combining heat and power systems as part of electrical generation; adopting Department of Energy weatherization guidelines for property rehabilitation; and purchasing Environmental Protection Agency-identified Energy Star appliances. (Up to 1 point)

(b) Applications providing evidence of partnership, funding and/or subcontracting agreements with grassroots organizations, as defined in Section II(F)(2) of the General Section of the SuperNOFA, will receive up to one (1) point under this subfactor (b).

Rating Factor 4: Leveraging Resources (15 Points Maximum)

In evaluating this factor, HUD will consider the extent to which the response demonstrates the likelihood that the project will leverage both Section 108 loan and other public or private funds as part of the total project resources. This factor has two subfactors, each with its own maximum point total:

(1) *Leverage of Section 108 funds.* (Up to 8 points)—

The minimum ratio of Section 108 funds to BEDI funds in any project may not be less than 1:1. The extent to which the proposed project leverages an amount of Section 108 funds greater than a 1:1 ratio will result in that application's receiving a higher number of points. If the application has a ratio of 1:1, it will not receive any points under this subfactor. The higher the ratio of additional new Section 108 funds to BEDI funds proposed in an application, the more points it will receive under this subfactor. (*See* Section IV(F)(1) and (5) of this program section of the SuperNOFA regarding the

conditioning of BEDI awards on achievement of a specific BEDI/Section 108 leveraging ratio.)

(2) *Leverage of Other Financial Resources.* (Up to 7 points)—

HUD will evaluate the extent to which other funds (public or private) are leveraged by BEDI grant funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered committed to the project if they meet the definition of ''Firm Commitment'' found in Section III(A)(1) above, and may be subject to completion of any environmental review required under 24 CFR part 58 for the project.

Rating Factor 5: Coordination, Self-Sufficiency & Sustainability (5 Points Maximum)

This factor addresses the extent to which the applicant has coordinated its activities with other organizations not directly participating in the proposed project, but which share common community development goals; the extent to which it participates or promotes participation in its or the State's Consolidated Planning process; and that it is working towards addressing a need described in Rating Factor 2 above in a comprehensive manner through linkages with other activities in the community.

(1) Coordination—in evaluating this factor, HUD will consider the extent to which the applicant demonstrates it has coordinated its proposed activities with those of other groups or organizations, including other federal, state or local governmental activities in the area, if any, before submission, in order to best complement, support and coordinate all activities; and developed specific steps to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place, or that will be in place after award, should be described in the application.

(2) Developed linkages—applications should describe linkages with other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of the project area, i.e., specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate activities), so that solutions are holistic and comprehensive.

(3) Self-sufficiency—applications should describe the extent to which project activities will result in long term physical and economic improvement for the current residents of the target area or neighborhood in which the project will be carried out, and which will allow them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits the project is expected to generate.

(4) Sustainability—the extent to which the project incorporates one or more elements that facilitate a successful transition of welfare recipients to work, including the number of jobs that are part of career path or apprenticeship programs to be created by the project and the impact of the project on job creation that will benefit individuals on welfare or low-to very low-income persons. Such an element could include, for example, linking the proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with BEDI/Section 108 funds to hire and train welfare recipients, including those with disabilities.

Bonus Points

An application may receive up to six (6) bonus points, until the maximum of six points are achieved. Two bonus points may be awarded for each of the following:

(a) Projects that are located either in federally-designated Empowerment Zones, Enterprise or Renewal Communities, or Strategic Planning Communities (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of designated communities);

(b) Projects that are located in Brownfields Showcase Communities designated by EPA (See Section III(C)(2) of the General Section of the SuperNOFA) for advice on locating a list of Showcase communities.)

(c) Qualifying projects in the City of Dallas, Texas, as mandated by a decision by the U.S. District Court for the Northern District of Texas, Dallas Division. Up to two (2) additional points will be awarded to an application that describes how the use of BEDI and Section 108 loan funds will be used to help eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. For specific details, please see Section III(C)(3) in the General Section of the SuperNOFA.

VI. Application Submission Requirements

(A) *BEDI Funding.* An application for a BEDI grant under this program section of the SuperNOFA must have the following items to be complete. The standard forms, certifications and assurances that are required for the BEDI application (and listed in paragraph (I) below) can be found in Appendix B to the General Section. The remaining application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the ''non-standard forms'', can be found in Appendix A to this program section of the SuperNOFA.

(B) *Transmittal Letter* signed by the authorized representative of the eligible applicant indicating that it is submitting the application for funding under the Brownfields Economic Development Initiative Program and is requesting funding consideration for a BEDI project.

(C) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in the application (form HUD–40076–EDI/BEDI).

(D) *BEDI Narrative Statement* (not to exceed 3 pages) describing BEDI-funded eligible activities within the proposed project. (See Section V(B) of this program section.)

(E) *EDI/BEDI/Section 108 Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076–EDI/BEDI).

(F) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(G) *Narrative Responses to Factors for Award (not to exceed 15 pages overall):*

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the capacity of your organization and staff to perform the work for which it is requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting the statement of need. Optional form HUD–40076-EDI/BEDI may also be used as a format to respond to this Factor for Award.

(3) Rating Factor 3: Soundness of Approach. Include the activities, budget and time frame for conducting activities in the response (see form HUD 40076–EDI/BEDI).

(4) Rating Factor 4: Leveraging Resources. The response should include a completed copy of form HUD–40076–EDI/BEDI, ''Rating Factor 4: Leveraging Resources—Sources and Uses Statement.''

(5) Rating Factor 5: Coordination, Self-sufficiency and Sustainability: Provide a narrative response to this factor.

(H) *Request for Funds.* A single application must contain a request for funds for a single BEDI/108 project. An applicant may submit more than one application for each additional unrelated BEDI/108 project, but in no event will HUD rate and rank more than one BEDI project per application.

(I) *Additional Application Forms and Certifications.* In addition to any forms that have been submitted in response to Section VI (A)—(H) above (which may be found at Appendix A), the following forms and certifications must also be submitted in accordance with Section II(H) of the General Section of this SuperNOFA:

(1) Application for Federal Assistance (Standard Form (SF–424);

(2) Federal Assistance Funding Matrix (HUD 424–M);

(3) Standard Form for Assurances—Non-Construction Programs (SF 424–B) and/or Standard Form for Assurances—Construction Programs (SF 424–D): not required for BEDI applications since the ''Leveraging Resources—Sources and Uses Statement'' serves the same purpose as a budget form, but must be submitted with the Section 108 application. Since these forms contain assurances of compliance with civil rights and other regulatory requirements, BEDI applicants may elect to provide the signed assurances either with the BEDI or the Section 108 application.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD–50071, (and if applicant and/or participating parties are engaged in lobbying, the Disclosure Form Regarding Lobbying, SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880;

(7) Certification Regarding Debarment and Suspension, HUD–2992;

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990;

These forms are found in the Appendix B to the General Section of this SuperNOFA. The non-standard forms for the BEDI applications are in Appendix A to this program section.

If an applicant wishes to receive an acknowledgment of HUD's receipt of its application, it should submit a completed Acknowledgment of Receipt of Application form.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of BEDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the BEDI grantee and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. No such assistance will be released by HUD until a request for release of funds is submitted and the requirements of 24 CFR part 58 have been met. All public entities, including non-entitlement public entities, shall submit the request for release of funds and related certification, required pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* (1) Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

(2) Brownfields are often located in distressed neighborhoods, contribute to neighborhood blight, and lower the quality of social, economic, and environmental health of communities. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites and HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide demonstrable benefits for affected communities and their current residents for the long term.

IX. Authority

Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301); 24 CFR part 570.

Appendix A

The non-standard forms for your BEDI application follow.

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APPENDIX A

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

Check Off		Page Number
☐	Standard Form for Application for Federal Assistance (SF-424)	cover page 1
☐	Transmittal Letter	cover page 2
☐	Checklist and Submission Table of Contents	p. 1
☐	Applicant Narrative Statement (3 pages)	p. _____
☐	EDI/BEDI/108/CDBG Funding Eligibility Statement form (2 pages)	p. _____
☐	**Request for Loan Guarantee Assistance** (check off one of the four options)	p. _____
	☐ Formal application	
	☐ Brief description; formal application to be submitted in 60 days	
	☐ Copy of previously submitted, but not yet approved, Section 108 application.	
	☐ Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
☐	#1 Capacity of the Applicant and Relevant Organizational Experience	p. _____
☐	#2 Distress/Extent of the Problem	p. _____
	☐ Distress/Extent of the Problem form (optional)	p. _____
☐	#3 Soundness of Approach	p. _____
	☐ Project Timeline form	p. _____
☐	#4 Leveraging Resources/Financial Need	p. _____
	☐ Sources and Uses Statement form	p. _____
☐	#5 Coordination, Self-Sufficiency & Sustainability	p. _____
	Application Forms and Certifications	
☐	Section 108 Certifications	p. _____
☐	Federal Assistance Funding Matrix (HUD 424-M)	p. _____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. _____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. _____
☐	Certification Regarding Debarment & Suspension (HU D-2992)	p. _____
☐	Certification of Consistency w ith EZ/EC/RC Strategic Plan (HUD-2990)	p. _____
☐	Certification for a Drug-Free Workplace (HUD-50070)	p. _____
☐	Certification of Payments to Influence Federal Transactions (HUD-50071)	p. _____
	Certification of Consistency with the Consolidated Plan (HUD-2991)	
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. _____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 3	p. _____
☐	Acknowledgment of Application Receipt	last page

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

	Required Indicator	Target Neighborhood	Jurisdiction	Data Source & Date
1	Poverty Rate			

	Optional Indicators	Target Neighborhood	Jurisdiction	Data Source & Date
2	Unemployment			
3	Median Income			
4				
5				
6				
7				
8				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Neighborhood: _____

_____

Jurisdiction: _____

_____

RATING FACTOR 3: SOUNDNESS OF APPROACH
PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of proje of pr oject term. Use as many as you need to show beginning -- end timeframes for all phases.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

form HUD-40076- EDI/BEDI (8/2004

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 **Acquisition of Real Property** 24 CFR 570.703(a)				
2 **Rehabilitation of Publicly Owned Real Property** 24 CFR 570.703(b)				
3 **Payment of Interest** 24 CFR 570.703(c)				
4 **Relocation Payments** 24 CFR 570.703(d)				
5 **Clearance, Demolition, Removal** 24 CFR 570.703(e)				
6 **Site Preparation** 24 CFR 570.703(f)				
7 **Payment of Issuance Fees** 24 CFR 570.703(g)				
8 **Housing Rehabilitation** 24 CFR 570.703(h)				
* 9 **Economic Development Activities** 24 CFR 570.703(i) (and 570.203/.204)				
10 **Construction of Housing** 24 CFR 570.703(j)				
11 **Debt Service Reserve** 24 CFR 570.703(k)				
12 **Public Facilities** 24 CFR 570.703(l)				
13 **Public Facilities - Colonias** 24 CFR 570.703(m)				
14 **Subtotal**				
15 **Costs Paid with Non CDBG-Related Funds**				
16 **Total Project Costs** 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.

2/ CDBG grants and program income other than EDI, BEDI or Section 108.

3/ This figure should match the total provided on the Sources & Uses stateme nt.

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/			
Single Project (check one only)		**Loan Fund** (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs:

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area:

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

PROGRAM OVERVIEW

Purpose of the Program. To facilitate and encourage innovative homeownership opportunities through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction of the new dwelling.

Available Funds. Approximately $22 million.

Eligible Applicants. You must be a national or regional nonprofit organization or consortium.

Application Deadline. June 19, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information:

I. Application Due Date, Standard Forms, Further Information, and Technical Assistance

Application Due Date. Applications for SHOP grants are due on or before June 19, 2002.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (*e.g.,* mailed applications, express mail, or overnight delivery).

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (UPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without an escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received in HUD Headquarters on or within fifteen (15) days of the application due date. Applicants must obtain and save a Certificate of Mailing showing the date, when your application was submitted to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express service no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications. Submit one original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Processing and Control Unit, 451 Seventh Street, SW, Room 7251, Washington, DC 20410, ATTN: Self-Help Homeownership Opportunity Program (SHOP).

For Application Forms. Only national and regional nonprofit organizations and consortia are eligible to apply. There is no separate application kit. This notice contains all the information necessary for submission of your application. Copies of the standard forms are located in the General Section of this SuperNOFA or you may request copies by calling HUD's SuperNOFA Information Center at: 1–800-HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800-HUD–2209. When requesting standard forms, you should refer to SHOP and provide your name and address (including zip code) and telephone number (including area code). See Section VI for application submission requirements. You may also access the application requirements on the Internet through HUD's web site at *www.hud.gov/grants.*

Further Information and Technical Assistance. You may contact Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–2684, ext. 4594 (this is not a toll-free number). This number can be accessed via TTY by calling the Federal Information Relay Service Operator at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

The amount available for this program is approximately $22 million. Any unobligated funds from previous competitions or additional funds that may become available, as a result of deobligation or recaptures from previous awards or budget transfers, may be used in addition to the Fiscal Year 2002 appropriation to fund applications submitted in response to this NOFA.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* SHOP is intended to facilitate and encourage innovative homeownership opportunities on a national geographically-diverse basis through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction or rehabilitation of the dwelling.

Decent, safe, and sanitary non-luxury dwellings developed under SHOP must be made available to eligible homebuyers at prices below the prevailing market prices. Eligible homebuyers are low-income individuals and families (those whose annual incomes do not exceed 80 percent of the median income for the area, as established by HUD) who are unable to purchase a dwelling. Housing assisted under this Notice must involve community participation through the use of homebuyers and/or volunteers in the construction of dwellings and by other activities that involve the community in the project.

(B) *Eligible Applicants.* You must be a national or regional nonprofit organization or consortium that has the capacity and experience to provide or facilitate self-help housing homeownership opportunities. Local affiliates of national or regional organizations or consortia must apply as part of the national or regional organization or consortia and may not apply for SHOP independently. ''Regional'' is defined for the purpose of this program section of the SuperNOFA to be a ''regional area'' such as the Southwest or Northeast that must include at least two or more States (the States need not be contiguous and the operational boundaries of the organization need not precisely conform to State boundaries). If you are a consortium, one organization must be chosen as the lead entity. The lead entity must submit the application and,

if selected for funding, will execute the grant agreement and assume primary responsibility for carrying out grant activities in compliance with all program requirements. Other participants in your consortium must be identified in your application.

Your application may not propose a partnership with or funding for any affiliate or consortium member that is also included in another SHOP application. You must assure that any affiliate or consortium member under your FY 2002 application is not also seeking funding from another SHOP applicant for FY 2002 funds.

(C) *Eligible Activities.* The only eligible activities are: (1) land acquisition (including financing and closing costs), which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced to acquire land before completion of the review; (2) infrastructure improvements (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure, including removal of environmental hazards); and (3) administration, planning and management development as defined under the HOME Investment Partnerships Program (24 CFR 92.207) and not to exceed 20 percent of any SHOP grant. Funding of eligible activities may be used for both single-family and multifamily dwellings.

(D) *Ineligible Costs:* Costs associated with the rehabilitation, improvement, or construction of dwellings *are not eligible* uses of program funds.

IV. Program Requirements

In addition to meeting the Requirements and Procedures Applicable to All Programs in Section II of the General Section of this SuperNOFA, you are subject to the following SHOP requirements:

(A) *Conducting Business In Accordance With Core Values and Ethical Standards:* See Section II(B)(2) of General Section of the SuperNOFA.

(B) *Statutory Requirements.* You must comply with all statutory requirements applicable to SHOP as cited in Section IX of this program section below. There are no regulations for this program. You must be capable of:

(1) Developing, through significant amounts of sweat-equity and volunteer labor, at least 30 dwellings at an average cost of no more than $10,000 per unit in SHOP funds for land acquisition and infrastructure improvements;

(2) Using your grant to leverage other sources of funding, including private or other public funds, to complete the housing units;

(3) Developing quality dwellings that comply with local building and safety codes and standards and which will be available to homebuyers at prices below the prevailing market price; and

(4) Scheduling activities to expend all grant funds awarded and substantially fulfill your obligations under your grant agreement, including timely development of the appropriate number of dwelling units. Grant funds must be expended within 24 months, except that grant funds provided to affiliates and consortium members that develop five or more units must be expended within 36 months.

(C) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* If you fund infrastructure improvements under this program, you are required to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons) and the HUD regulations at 24 CFR part 135, including the reporting requirements in subpart E. Section 3 requires that you provide training, employment and other economic opportunities, to the greatest extent feasible, to: (1) Low- and very low-income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low- and very low-income persons.

V. Application Selection Process

(A) *Rating.* HUD will review all applications in accordance with the Application Selection Process in Section III of the General Section of this SuperNOFA. HUD will review all applications based on the threshold factors listed in Section V(D) of this program section below. Applications that meet all threshold requirements will be rated according to the selection factors in this section of the SuperNOFA. Applications that do not meet all threshold factors will be rejected and not rated.

(B) *Ranking and Selection Procedures.* Applications that receive a total rating of 70 points or more (without the addition of Empowerment Zones/Enterprise Communities/Urban Enhanced Enterprise Communities/Strategic Planning Communities, or Renewal Communities [RC/EZ/ECs] bonus points) will be eligible for selection, and HUD will place them in rank order. After adding any bonus points for RC/EZ/ECs, HUD will consider rank order and funds availability in the selection and funding of applications.

HUD reserves the right to fund less than the full amount requested in any application to ensure a fair distribution of the funds and that dwellings will be developed on a national geographically-diverse basis as required by the statute. HUD will not fund any portion of an application that is ineligible for funding under program statutory requirements, or which does not meet the requirements of the General Section of this SuperNOFA or the requirements in the SHOP section of the SuperNOFA. HUD will not fund any eligible applicant for less than the minimum amount necessary to complete at least 30 homes (at a maximum investment of $10,000 per home or a lesser amount if lower costs are reflected in the application). If funds remain after all selections have been made, these funds may be available for other competitions.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and not longer than 120 days, HUD will, upon receiving a written request from an applicant, provide a debriefing to the requesting applicant. Materials provided during a briefing will be the applicant's final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting to be debriefed must send a written request to Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW, Washington, DC 20410.

(D) *Threshold Requirements.* The following threshold requirements apply specifically to SHOP. You must also be sure to address the threshold requirements listed in Section II(B) of the General Section of the SuperNOFA and must submit all forms, certifications, and assurances identified in Section II(H) of the General Section.

(1) You, the applicant, must be eligible to apply under SHOP (see Section III(B) of this program section of the SuperNOFA).

(2) The amount of funding you request must support no less than 30 self-help units and may not exceed an average investment of $10,000 per unit in SHOP funding.

(3) The population you plan to serve must be eligible under SHOP (see Section III(A) of this program section of the SuperNOFA).

(4) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed a significant amount of sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

Submission Threshold Requirements:

(1) Evidence of your non-profit status, such as a copy of a current Internal Revenue Service ruling that your organization is exempt from taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986. Where an IRS ruling is unavailable, you may submit a certified copy of your approved charter, articles of incorporation or bylaws demonstrating that you are established as a nonprofit organization under state law. If you are a consortium, each participant in your consortium must be a nonprofit organization. Each consortium member must submit evidence of its nonprofit status to the lead entity for inclusion in the Consortium's application package.

Submission threshold requirements (2) through (4) require no additional submissions. These requirements are addressed under the submission requirements for the rating factors listed in Section V(D) of this program section of the SuperNOFA below.

(E) *Factors for Award Used to Evaluate Applications.* HUD will rate all SHOP applications that successfully complete technical processing using the Rating Factors and the Application Submission Requirements described below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in Section III(C)(1) of the General Section of the SuperNOFA. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including accounting for funds appropriately, the timely use of funds received from HUD, meeting performance targets for completion of activities, and the number of persons served.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor examines the extent to which you, as a single applicant or as a consortium (including affiliates and/or members of the consortium, if any), have the experience and organizational resources necessary to carry out the proposed activities in a timely manner.

In evaluating this factor, HUD will consider your recent and relevant experience in carrying out the activities you propose, and your administrative and fiscal management capability to administer the grant, including the ability to account for funds appropriately. HUD will assess your organization's past performance based upon performance reports for completion of activities and the number of families/persons provided housing, financial status information focusing on expediency of draws and use of funds, monitoring reports, audit reports and other information available to HUD in making its determination under this factor. If you are not a current recipient of HUD funds, you should submit any existing internal or external performance reports or other information that will assist HUD in making this determination.

Submission Requirements for Rating Factor 1.

(1) You must describe your past experience in carrying out activities (describe the time frame when these activities occurred) that are the same as, or similar to, the activities you propose for funding, and demonstrate reasonable success in carrying out those activities. You may demonstrate such reasonable success by showing that your previous activities were carried out as proposed consistent with the time frame you proposed for completion of all work. You must show that established benchmarks for acquiring properties and completing housing construction were met and performance reports were submitted, as required. You must also describe any delays that were encountered, and the actions you took to overcome such delays to successfully complete your program.

(2) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA. In identifying these recent projects, please include all projects completed, regardless of whether they were funded with Federal, State, local, public or private funds.

(3) You must provide a description of your organization's management structure. You must also describe how you will staff and manage your proposed activities within the organization if funds are awarded.

(4) You must demonstrate your ability to handle financial resources with adequate financial control and accounting procedures. You must describe how your financial control procedures meet 24 CFR 84.21, ''Standards for Financial Management Systems.'' You must provide a copy of your most recent audit (only an audit of the lead entity must be provided with an application for a consortium).

(5) You must demonstrate your experience and ability in constructing and altering homes by describing the kinds of features that you have used to design homes in accordance with universal design or otherwise make homes accessible to the elderly or persons with disabilities.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor examines the extent to which you identify the community need, or problem, or distress that your proposed activities will target, and the urgency of meeting that need.

The purpose of this factor is to make sure that funding is provided where a need for funding exists. Under this factor, you must identify the need or needs in the community that your proposed activities are designed to address or, if you plan to select specific affiliates only after you receive SHOP funding, you must demonstrate how you plan to identify need prior to your selection of affiliates.

Submission Requirements for Rating Factor 2.

(1) Identify the communities or areas in which your proposed activities will be carried out or how you will select communities or projects based on need after you have received an award under SHOP.

(2) Depending on the type of activities proposed, the kind of information you submit to demonstrate the need or needs in the target area may include, but is not limited to, one or more of the following:

(a) Housing market data such as information included in the local Five Year Consolidated Plan or other data sources;

(b) Data dealing with such factors as housing density, housing affordability, housing age or deterioration, and lack of adequate infrastructure or utilities;

(c) Data on the need for accessible homes in the area;

(d) Evidence of housing discrimination;

(e) Evidence from the local Analysis of Impediments to Fair Housing Choice that shows the need for this program.

Rating Factor 3: Soundness of Approach (45 Points)

This factor examines the quality of your plan of proposed activities. In evaluating this factor HUD will consider:

(1) Your specific use of SHOP funds, the number of units and the type(s) of housing to be constructed, and the use of sweat equity/volunteer labor; your established timeline for performance; your schedule for expending funds and completing construction; the proposed budget and cost effectiveness of your program; and your plans to reach all potentially-eligible homebuyers, including those with disabilities or least likely to apply. You may not require a homebuyer to make financial contributions to a unit other than cash contributed for down payment or closing costs at the time of acquisition.

(2) How your planned activities further the Department's FY 2002 policy priorities noted in Section VI of the General Section. You will receive one rating point for each priority addressed in your program of activities and associated with performance measures. For FY 2002, HUD's policy priorities are:

(i) Increasing Homeownership Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities and the Elderly, and Minorities and Families where English may be a second language.

(ii) Improving the Quality of Public Housing and Providing More Choices for Its Residents.

(iii) Encouraging Accessible Design Features: Visitability in New Construction and Substantial Rehabilitation Activities and Universal Design.

(iv) Improving Computer Access, Literacy, and Employment Opportunities.

(v) Providing Full and Equal Access to Faith Based and Other Community Based Organizations in HUD Program Implementation.

(vi) Ensuring that Programs are Accountable for the Promises Made and the Actions Taken.

(vii) Colonias.

Submission Requirements for Factor 3

(1) Identify all activities you propose to fund with SHOP.

(2) Provide a timetable for the selection of your participating local affiliates if they are not specified in the application.

(3) Identify the housing type(s) (single family or multifamily, or both) you plan to develop and the form of ownership (fee simple, condominium, cooperative, etc.) you propose to use.

(4) Submit a construction and completion schedule which expends SHOP funds and substantially fulfills your obligations, including the development of the appropriate number of dwelling units, within 24 months, or in the case of affiliates that develop five or more units, within 36 months, and demonstrates that remaining housing construction will be completed within a reasonable period of time.

(5) Submit a timeline listing milestones against which HUD is to measure your performance progress in expending funds, and completing acquisition, infrastructure and housing construction activities within the schedule in Item 4 above. These milestones should be at reasonable intervals (*e.g.*, monthly, quarterly, etc.).

(6) Describe how your proposed activities address the need or needs you have identified under Rating Factor 2 above.

(7) List the long- and short-term benefits from your activities to the community and targeted groups within the community, and describe how you will ascertain and measure the benefits.

(8) Provide a detailed budget with a break out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) in the SF–424A. If SHOP funds will be used for administration of your grant, you must include the cost of monitoring affiliates once during the grant period. Your budget must also include leveraged funding to cover all costs of completing the proposed number of units.

(9) Demonstrate that projected costs for the proposed activities do not deviate substantially from the norm in the locale in which your activities will take place, will not exceed an average cost of $10,000 per unit in SHOP funds, and illustrate your ability to carry out your proposed activities cost effectively.

(10) Describe how each of the Department's policy priorities are furthered by your proposed activities. To receive a point for a policy priority, you must describe how your proposed work activities address the specific policy and list proposed performance measurements related to it.

(11) Describe how you will reach potential homebuyers through the use of services and materials that are accessible or visitable to all persons, including persons with disabilities (*e.g.*, languages, formats, locations, distribution, and use of minority media to attract those least likely to apply).

(12) Describe your criteria and procedures for selecting homebuyers and how activities will benefit eligible homebuyers.

(13) Describe how your proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations, communities, and/or State and local governments.

(14) Describe how your program will provide reasonable accommodations for persons with a variety of disabilities by providing ''sweat equity'' assignments that can be performed by the client regardless of disability.

Rating Factor 4: Leveraging Resources (15 Points)

This factor addresses your ability to secure other resources that can be combined with HUD's program resources to achieve the purposes of SHOP. HUD will consider only those leveraging contributions for which current firm commitments have been provided. Leveraging can be counted only if you have secured a firm financial commitment described and listed under this Factor. A firm commitment letter means the agreement by which the contributing partner or entity agrees to perform an activity specified in your application which should demonstrate your financial capacity to deliver the resources necessary to carry out the activity. Firm commitments of resources may be in the form of cash funding, in-kind contributions, or personnel from Federal, State, local, and private sources, which are jointly referred to as your leverage partners. HUD will also consider the extent that the applicant's proposed sweat-equity requirements and other leveraged resources will serve to reduce costs to the homebuyers.

Submission Requirements for Factor 4

(1) Provide a list of amounts and sources of all firm commitments of cash funding, in-kind contributions, or personnel from other Federal, State, local, and private sources which will be available to complete your project. Together with the grant funds, these commitments must be sufficient to develop the proposed number of units in your application, which must be 30 units or more.

(2) Provide firm written commitments (letters, agreements, etc.) from the source of the commitment to support your list of firm commitments. This written commitment should include your organization's name, the contributing organization's name, and the proposed type and level of commitment and responsibilities as they relate to your proposed program. This leveraging commitment must be signed by an official of the organization legally able to make the commitment on behalf of the organization and must be specifically targeted to support your FY 2002 SHOP application. The written commitment may be contingent upon your receiving a grant award.

(3) Provide a description of the individual sweat-equity requirements (types of tasks and number of hours) of your program and how this contribution of labor will serve to reduce the costs of the home to the homebuyer. Reasonable accommodation must be allowed for persons with a variety of disabilities to participate in your program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (5 Points)

This factor addresses the extent to which your application reflects a comprehensive approach that coordinates effectively with other organizations in the community and fosters self-sufficiency of beneficiaries in your program after completion of the grant award. In evaluating this factor, HUD will consider:

(1) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner; and

(2) The extent to which your application implements practical solutions within the grant term to result in assisting beneficiaries of grant program funds in achieving independent living, housing choice or improved living environments.

Submission Requirements for Factor 5

(1) Describe the steps taken to coordinate your program activities at the national, regional and local levels with other organizations not directly participating in your program and work activities. If affiliates are selected after grant award, you must describe how your selections will be made to ensure that the affiliates' programs fit in with other activities and programs that are being carried out by others in the local communities.

(2) Describe the steps to be taken within the grant term that provide assistance to homebuyers in a manner that achieves independent living, housing choice in a wider range of neighborhoods and improved living conditions free from overcrowding and environmental hazards, such as lead-based paint, Brownfields, etc.

VI. Application Requirements and Checklist for Application Submission

Your application consists of the items listed in this Section VI. The standard forms, certifications, and assurances that are applicable to this funding (collectively, referred to as the ''standard forms'') can be found in Appendix B to the General Section of the SuperNOFA. The following checklist helps to ensure that all of the required items have been submitted in order to receive consideration for funding:

_____ Standard Form 424, Application for Federal Assistance (signed by the authorized representative of the organization eligible to receive funds)
_____ Evidence of Non-Profit status
_____A copy of your code of conduct and a narrative description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct.

Narrative Statement Addressing:

_____ Factor 1—Capacity of the Applicant and Relevant Organizational Staff, including recent audit.
_____ Factor 2—Need/Extent of the Problem
_____ Factor 3—Soundness of Approach
_____ Factor 4—Leveraging Resources
_____ Factor 5—Coordination, Self Sufficiency and Sustainability

Forms, Certifications and Assurances:

_____ SF 424A, Budget Information, Non-Construction Programs
_____ SF 424B, Assurances—Non-Construction Programs
_____ SF 424M, Federal Assistance Funding Matrix
_____ HUD–50070, Certification for a Drug-Free Workplace
_____HUD–50071, Certification of Payment to Influence Federal Transactions
_____SF–LLL, Disclosure of Lobbying Activity, as applicable
_____HUD–2880, Applicant/Recipient Disclosure/Update Report
_____HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan
_____HUD–2992, Certification Regarding Debarment and Suspension
_____HUD–2993, Acknowledgment of Application Receipt

VII. Corrections to Deficient Applications

The *General Section* of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

The provisions contained in Section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, Environmental Review, implemented in the Environmental Review regulations at 24 CFR part 58, are applicable to properties assisted with SHOP funds. All SHOP assistance is subject to the National Environmental Policy Act of 1969 and related federal environmental authorities. SHOP grant applicants are cautioned that no federal or non-federal funds or assistance which limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed by a unit of general local government, tribe or State and until HUD approves a recipient's request for release of funds under the environmental provisions contained in 24 CFR part 58. Not withstanding the preceding sentence, in accordance with Section 11(d)(2)(A) of the Housing Opportunity Extension Act of l996 and HUD Notice CPD–01–09, an organization, consortium or affiliate receiving SHOP assistance may advance nongrant funds to acquire land prior to completion of an environmental review and HUD's approval of a request for release of funds and environmental certification. Any advances to acquire land prior to such approval are made at the risk of the organization, consortium or affiliate and reimbursement from SHOP funds for such advances will depend on the result of the environmental review.

IX. Authority

The funding made available under this program section of the SuperNOFA is authorized by section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) (the ''Extension Act'').

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE YOUTHBUILD PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Youthbuild program is to assist disadvantaged young adults in distressed communities in completing their high school education, to provide on-site construction training experiences which also results in the rehabilitation or construction of housing for homeless persons and low- and very low-income families, to foster leadership skills, to further opportunities for placement in apprenticeship programs, and to promote economic self-sufficiency.

Available Funds. Approximately $59,750,000 is available for the Youthbuild Program.

Adjustments to Funding. HUD reserves the right to utilize this year's funding to fund previous years errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds.

Eligible Applicants. Eligible applicants are public or private nonprofit agencies, including State or local housing agencies or authorities, State or units of local government, or any entity eligible to provide education and employment training under other Federal employment training programs, as further defined in HUD's regulation at 24 CFR 585.4.

Application Deadline. May 30, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please carefully review the *General Section* of this SuperNOFA and the following additional information.

I. Application Due Date and Technical Assistance

Application Due Date. Completed applications (one original signed application and two copies) must be submitted on or before May 30, 2002 to the HUD Headquarters address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact application submission procedures. Please read the following instructions carefully and completely.

Addresses for Submitting Applications. Completed applications (one original signed application and two copies) must be submitted to the Processing and Control Unit, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, Attention: Youthbuild Program. When submitting your application, please include your name and mailing address (including zip code) and telephone number and fax number (including area code).

Applications sent to HUD headquarters may be mailed using the United States Postal (USPS) or may be shipped via the following delivery services: United Parcel Services (UPS), FedEx, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above. Delivery of these services must be made during business hours between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United State Postal Service.*

Mailed Applications. Your applications will be considered timely filed if postmarked on or before 12:00 midnight (Eastern Time) on the application due date and received at the address above on or within fifteen (15) calendar days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was filed in a timely manner.

Applications sent by overnight delivery or express mail will be considered timely filed if they are received before or on the application due date, or upon submission of documentary evidence that your application was placed in transit with the overnight delivery service by no later than the specified application due date. *For Application Kits.* For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to Youthbuild and provide your name, address (including zip code), and telephone number (including area code).

For information concerning the HUD Youthbuild program, contact Ms. Phyllis Williams, Community Planning and Development Specialist, Office of Rural Housing and Economic Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410; telephone (202) 708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

For Technical Assistance. Write or call Mr. Peter Twichell, YouthBuild USA, 58 Day Street, Somerville, MA 02144, telephone (617) 623–9900, ext. 1211, under contract with HUD to provide technical assistance. Prior to the application deadline, YouthBuild USA will be available to provide general guidance on the application submission process and location of information, but not guidance in actually preparing the application. HUD staff will also be available to provide technical assistance.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funds.* Approximately $59,750,000 in Fiscal Year (FY) 2002 funding is being made available through this program section of this SuperNOFA for the Youthbuild program. The breakdown of funding is discussed below.

The FY 2002 HUD Appropriations Act. The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73 approved November 26, 2001) (the ''FY 2002 HUD Appropriations Act'') made $65,000,000 available of which $59,750,000 is allocated for grants.

(B) *Funding Categories.* HUD will award up to $59,750,000 on a competitive basis. Funds will be divided between four categories of grants as described below.

Category 1 *New Applicants.* HUD will award up to $10,000,000 for new applicants that have not previously received implementation grants since the inception of the Program for a period not to exceed 30 months. The maximum amount awarded to a successful applicant in this category is $400,000.

Category 2 *Grants up to $700,000.* HUD will award up to $37,750,000 for grants up to $700,000 for a period not to exceed 30 months. The maximum

amount awarded to a successful applicant in this category is $700,000.

Category 3 *Underserved and Rural Areas.* HUD will award up to $10,000,000 for grants to organizations serving clients in underserved and rural areas as defined in this NOFA for a period not to exceed 30 months. The maximum amount awarded to a successful applicant in this category is $400,000.

Category 4 *Individual Development Accounts (IDAs).* HUD will award up to $2,000,000 for grants for previous or existing Youthbuild grantees for a period not to exceed 30 months, to support the outreach, development and implementation of Individual Development Accounts (IDAs) for Youthbuild program participants. The maximum amount awarded under this category is $200,000.

Applicants must indicate on their transmittal/cover letter which funding categories they are applying for.

III. Program Description and Eligible Activities

(A) *Program Description.* The purposes of the Youthbuild Program are to:

(1) Provide economically disadvantaged young adults with opportunities to obtain an educational experience that will enhance their employment skills, as a means to achieving self-sufficiency;

(2) Foster the development of leadership skills and commitment to community;

(3) Expand the supply of permanent affordable housing for homeless and low- and very low-income persons by providing implementation grants for carrying out a Youthbuild program;

(4) Provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation that will enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families; and

(5) Give to the greatest extent possible, job training, employment, contracting and other economic opportunities to low-income young adults.

HUD also focuses on the Youthbuild Program as a way to foster the development of nonprofit organizations which over time can provide the services mentioned above to disadvantaged youth and which at the same time rely less on HUD's financial support to carryout these activities.

(B) *Eligible Activities.*

(1) Work and activities associated with the acquisition, architectural and engineering work, rehabilitation or construction of the housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311.

(2) Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

(3) Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

(4) Education, job training, counseling, employment, leadership development services and optional activities that meet the needs of the participants including entrepreneurial training, drivers' education, apprenticeship opportunities, financial literacy, credit counseling, assistance programs for those with learning disabilities, and in-house staff training;

(5) Outreach to potential participants;

(6) Wages, benefits, and need-based stipends for participants and;

(7) Administrative costs, which must not exceed 10 percent of the grant award.

HUD encourages you to use grant funds for outreach, recruitment, training and other services for the participants that facilitate program implementation. Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

IV. Program Requirements

In addition to the requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following Youthbuild program requirements:

(A) *Eligible Applicants.* Eligible applicants as defined in HUD's regulation at 24 CFR 585.4.

(B) *Eligible Participants.* Participants in a Youthbuild program must be very low-income high school dropouts between the ages of 16 and 24, inclusive, at the time of enrollment. Up to 25 percent of participants may be above very low-income, or may be high school graduates (or equivalent), but must have educational needs (such as lack of reading, writing and communication skills) that justify their participation in the program.

(C) *Locational Limitations.* You may submit more than one application in the current competition if your program's participant recruitment and housing areas are in different jurisdictions. Each application you submit may only propose activities to carry out one Youthbuild program, i.e., to start a new Youthbuild program or to fund new classes of Youthbuild participants for an existing program.

(D) *Response to NOFA—Page Limitation.* The total narrative response to all factors identified in Section VI of this program NOFA must not exceed 15 pages, and must be submitted on 8.5'' by 11'' paper, using a 12 point font, with lines double spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

(E) *Youthbuild Program Components.* Applications that receive assistance under this Youthbuild Program section of the SuperNOFA must contain the three components described as follows:

(1) Educational and job training services;

(2) Leadership training, counseling, and other support activities;

(3) On-site training through actual housing rehabilitation and/or new construction work, including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities.

(F) *Identification of and Access to Property.* Your application must identify the location of the site(s) or property(ies) (e.g. addresses, parcel numbers, etc.) that will be used for on-site construction. Your application MUST contain a letter from the property owner or property management company(ies) allowing access to the housing site(s) for on-site construction training. HUD may deem as ineligible any application that fails to specifically identify the location of the on-site construction.

(G) *Training Requirement.* Each program must be structured so that 50 percent of each participant's time is spent in on-site training and the other 50 percent in educational training.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) is applicable to the Youthbuild program. Please see Section II of the General Section of the SuperNOFA.

(I) *Participation in Local Workforce Investment Act One-Stop Center.* Youthbuild grantees are mandatory partners in one-stop centers authorized by the Workforce Investment Act of 1998 (Pub. L. 105–220).

V. Desirable Elements of a Youthbuild Program

You should document the extent to which HUD's initiatives are furthered by the proposed activities. Such initiatives include:

(1) Promoting healthy, safe, and energy efficient homes;

(2) Affirmatively furthering fair housing by promoting greater opportunities for housing choice for minorities and persons with disabilities;

(3) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(4) Providing educational, apprenticeship and job training opportunities;

(5) Promoting welfare reform;

(6) Encouraging visitability in new construction and substantial rehabilitation activities; and

(7) Encouraging universal design.

First time applicants. If you are a first time applicant applying for funding under Category 1, HUD recommends that you have a graduating class of not more than 20 participants.

VI. Application Selection Process

Applicants must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA and Sections IV(A), (B), (C), (D), (E), (F), (G) and (H) of this program section of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 102 (except for an application submitted by the City of Dallas, Texas, which would be eligible for a maximum of 104 points). HUD will award up to two (2) additional points, as described in the General Section of the SuperNOFA, to any application submitted by the City of Dallas, Texas, to the extent that Factor 3 is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD will consider the extent to which the application's proposed activities will eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. This maximum includes two Renewal Community/Empowerment Zone/Enterprise Community (RC/EZ/EC) bonus points as described in Section III(C) of the General Section of the SuperNOFA. An application must receive a minimum of 70 points to be eligible for funding.

(A) *Rating and Ranking.*

(1) *General.* To review and rate applications, HUD may establish panels including officials from other Federal agencies and outside experts or consultants to obtain certain expertise and other outside points of view. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately, timely use of funds received either from HUD or from other Federal, State or local programs and meeting performance targets for completion of activities and number of persons served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information.

(2) *Rating.* All applications for funding will be evaluated against the rating factors described in Section (VI) of this NOFA.

(3) *Ranking.* Applications will be ranked separately within each of the four funding categories. Applications will be selected for funding in accordance with their rank order in each category.

(4) To be eligible for funding, an application must have an overall minimum score of 70 points and a minimum score of 40 points for the total combined number of points for Rating Factors 1 (Capacity of the Applicant and Relevant Organization) and Rating Factor 3 (Soundness of Approach).

If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, HUD will select the application(s) with the highest score for Rating Factor 3 (Soundness of Approach). If two or more applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 1 (Capacity of the Applicant and Relevant Organization); Rating Factor 4 (Leveraging of Resources) and Rating Factor 2 (Need/Extent of the Problem).

(B) *Categories of Grants.* HUD will make grants in four categories:

(1) *Category 1 Grants.* Grants for new applicants that have not previously received funding under the Youthbuild program since the inception of the Program and that have elected not to apply under Category 2 or 3. HUD will make available approximately $10,000,000 to new applicants proposing grant(s) of $400,000 or less for activities not to exceed 30 months.

(2) *Category 2 Grants.* HUD will make available approximately $37,750,000 to applicants proposing grant(s) of $700,000 or less for activities not to exceed 30 months.

(3) *Category 3 Grants.* HUD will make available $10,000,000 for applicants proposing grant(s) of $400,000 or less to establish programs in underserved and rural areas not to exceed 30 months. Rural and Underserved areas are defined as follows:

(a) *Rural Area.* A Rural area is defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with an urban population of 20,000 inhabitants or more.

(iii) Rural portions of extended cities, as identified by the U.S. Census Bureau.

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

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

(b) *Underserved Area.* An underserved area is defined as an area comprised of census tracts with the following distress criteria:

(i) A census tract where the unemployment remains high (50 percent or more above the nation's unemployment rate) and

(ii) A census tract where high rates of poverty (50 percent or more above the national average) persists.

(4) *Category 4 Grants.* HUD will make available approximately $2,000,000 for applicants proposing grants of $200,000 or less to develop or support Individual Development Accounts (IDAs).

IDAs are matched savings accounts designed to assist low and very low-income families to accumulate savings for education, job training, homeownership or small business or micro-enterprise development. IDAs may be structured to provide both current program participants and those who successfully completed the program with access to IDAs. This category of funds must be used in conjunction with funds awarded under Category 2 or Category 3 and may be used for outreach, financial literacy training, matching funds, administrative costs and/or monitoring. Participants save monthly for a specific purpose with their savings matched by designated funders (usually at a rate ranging from one dollar for each dollar saved to four dollars for each dollar saved). In order to be considered for

funding under Category 4 (Individual Development Accounts), the applicant must apply for Category 4 along with either Category 2 or Category 3. In order to be awarded funding under Category 4, the applicant must also be awarded funding under either Category 2 or Category 3.

(C) *Grant Period.* You must expend funds awarded within 30 months of the effective date of the grant agreement, or such other period specified.

(D) *Maximum Awards.* Under the competition established by this Youthbuild Program section of the SuperNOFA, the maximum award for a Youthbuild grant is $700,000. Special Note: The maximum award under the combined categories 2 and 4 is $900,000. HUD will not make amendments to awards under this competition that will increase previously approved grant amounts.

(E) *Potential Environmental Disqualification.* HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if HUD determines that it cannot conduct the environmental review and satisfactorily complete the review within the HUD application review period. (See 24 CFR 585.307.) Environmental thresholds are explained in Appendix A of this program section of this SuperNOFA. Complete form 2C13a, 2C13b, or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction or rehabilitation.

(F) *Notification of Approval or Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's CONDITIONAL approval, subject to negotiation and execution of the grant agreement by HUD.

(G) *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for the program is 104. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA and two bonus points given to the city of Dallas, TX.

(H) *Application Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days, HUD will, upon written request from the applicant, provide a debriefing to the requesting applicant. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which the assistance was provided or denied. Applicants requesting to be debriefed must send a written request to Ms. Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development (ORHED), Office of Community Planning and Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410. Debriefing information can be found in Section VII(E)(2) of the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the qualifications and experience of the applicant and participating parties to implement a successful young adult education, training program in accordance with your work plan as further described in Factor 3. HUD will review and evaluate information provided documenting recent capability. Experience within the last 5 years will be considered recent. In reviewing this rating factor, HUD will evaluate the following sub-factors:

(1) *Team Member Composition and Experience (5 points).* Your experience and the experience of your project director, core staff competencies including your day-to-day program manager, consultants and contractors. You must demonstrate that your program manager has the background, experience and capacity to implement all of the program components of the proposed work plan, as evidenced by recent work experience (within the last 5 years) in managing projects of the same or similar size, dollar amount, types of activities and beneficiaries as those proposed in your work plan. If any gaps exist in your experience or organizational structure to carry out the program, describe how you will fill those gaps including the hiring of consultants or other outside parties. Applicants for funding under Category 4 (Individual Development Accounts) should include in their response their experience and capability in providing support services to low income individuals and families seeking to achieve economic sustainability and self-sufficiency and in recruiting, educating and assisting project participants to increase their economic independence and general well-being through economic literacy education and the accumulation of assets.

(2) *Organizational Structure (5 points).* The structure of your organization, management structure, including reporting relationships of key staff, a system for coordinating with outside contractors or third party service providers, a mechanism for an internal and external auditing relationships, and an accounting system which meets Federal accounting system requirements. You should provide a clear description of how your organizational structure will operate to carry out your work plan.

(3) *Relevant Experience (5 points).* The objectives and accomplishments of your past experience in conducting similar activities. You must describe your past project objectives and accomplishments which are similar to those of your proposed work plan to show your effectiveness and timeliness in managing similar projects. If you have received similar grants including previous Youthbuild grants, you must describe your effectiveness of your administration including timeliness and performance in meeting reporting requirements and your ability to have resolved problems that presented themselves during the grant period. In addressing timeliness of reports, you must compare when your reports were due with when they were actually submitted. You must describe your achievements, including those of previous Youthbuild grants, of specific measurable outcome objectives. Specific outcome objectives include: number of youths recruited, trained and received GEDs; number of youths obtaining jobs (i.e. those that are a part of a career path or apprenticeship program), number of youths participating in apprenticeships and number of housing units rehabilitated or constructed and made available for low and moderate income persons.

Also, you must describe the extent to which you or participating partners have been successful in past education, training and employment programs and activities, including Federally-funded Youthbuild programs. If you have received a Youthbuild grant, you must submit copies of your last two progress reports or, if applicable, a closeout report. In applying the rating criteria, HUD will take into consideration your performance (including meeting target dates and schedules) as reported.

The more recent, relevant, and successful the experience of the proposed team members, organization and other participating entities in relation to the work plan, the greater the number of points that you will receive. For previous and existing Youthbuild grantees, applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will

receive a higher amount of points for this Factor.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-a-vis the target area and national data.

(1) In applying this Factor, HUD will consider current levels of distress for the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project, and in the nation. This means that an application that provides data that show levels of distress in the target area expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of distress, as follows:

(a) Poverty (5 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for the target area(s); an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 1 points
(3) Twice but less than three times the national average: 3 points
(4) Three or more times the national average: 5 points

(b) Unemployment (5 points)—for the project area;

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 1 points
(3) Twice but less than three times the national average: 2 points
(4) Three but less than four times the national average: 3 points
(5) Four but less than five times the national average: 4 points
(6) Five or more times the national average: 5 points

(c) High School Dropouts (10 points)—for the project area;

(1) Less than the national average: 0 points
(2) Equal to but less than twice the national average: 2 points
(3) Twice but less than three times the national average: 4 points
(4) Three but less than four times the national average: 6 points
(5) Four but less than five times the national average: 8 points
(6) Five or more times the national average: 10 points

(d) Other Indicators of social and/or economic decline that best capture the applicant's local situation (5 points). Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the target area and urgency in addressing problems facing youth, local crime statistics, etc.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data, such as the U.S. Census, other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for the project site.

HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

Updated Census data are available as follows for the listed indicators:

(a) Unemployment rate—estimated monthly, with a two-month lag;

(b) Population—estimated for incorporated places through 2000;

(c) Poverty rate—1990 data being the most recent available.

Rating Factor 3: Soundness of Approach (40 points)

Youthbuild Program Work Plan. This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the Youthbuild program. HUD will consider the overall quality and feasibility of your proposed work plan and budget which must be consistent with the Youthbuild program as measured by your specific activities and outcomes.

Specifically, HUD will consider the following categories when assessing your proposed work plan:

(1) Program Components (15 points):

(a) Outreach strategy, recruitment strategy and selection activities. HUD will determine the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results. Points will be awarded based upon overall quality and feasibility of the outreach, recruitment and selection activities, the number and types of outreach activities, number of youths to be recruited including eligible participants who are harder to reach and comprehensiveness of the local selection process.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. In evaluating this category, HUD will consider:

(i) Specific steps you will take to attract potential eligible participants who are unlikely to be aware of this program (because of race, ethnicity, sex or disability) and selection strategies;

(ii) Special outreach efforts you will make to recruit eligible young women, young women with dependent children, and persons receiving public assistance; and

(iii) Recruitment arrangements you have made with public agencies, courts, homeless shelters, local school systems, local workforce development systems, one-stop centers and, community-based organizations, etc. You will receive a greater number of points if your outreach and recruitment arrangements are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(b) Educational and job training services and activities. HUD will evaluate the extent to which you demonstrate a clear linkage with the following work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, qualifications of instructors and proposed wages and stipends for youth participants. In evaluating this category, HUD will consider:

(i) The types of in-class academic and vocational instruction you will provide;

(ii) The number and qualifications of program instructors and ratio of instructors to participants;

(iii) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program; and

(iv) Reasonable payments of participants' wages, stipends, and incentives. You will receive a greater number of points if your educational and job training services are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(c) Leadership development. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results. Letters describing specific resources or services to be contributed by non-applicant organizations must be submitted in your application. Points will be awarded based upon the quality and feasibility of your proposed leadership curriculum, qualifications of instructors and the impact of the proposed leadership activities on the target area. You must describe the leadership development training you will offer to participants and strategies for providing the training to build group cohesion and peer support. You will receive a greater number of points if your leadership development activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(d) Support services. HUD will determine the extent to which you demonstrate a clear linkage with work plan activities and proposed outcomes and results.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed support services strategy and stipends for the participants.

You must assess the need for counseling and referral services during each stage of program implementation: outreach strategy, recruitment strategy, youths interviewed and not selected for the program, program participants, youths who drop out of the program and graduates of the program. Describe how the participant needs will be addressed, document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide.

Special Note to applicants under Category 4 for Individual Development Accounts:

Applicants under this Category should precisely identify the target population(s) to be served and provide a description of the geographic area to be impacted. Applicants that target individuals residing in one or more well defined neighborhoods or communities (including public housing developments, RCs/EZs/ECs) that experience high rates of poverty or unemployment will also receive a greater number of points under this subfactor. Applicants applying under Category 4 should describe, in outline form, how the IDA program would operate. The applicant should outline: (i) The process for the recruitment of participants; (ii) how participants will be selected; (iii) how and with what assistance will the participant determine the levels of savings and purpose or qualified expenses; (iv) when, where and with whom the participant is to sign a savings plan agreement; (v) the process for opening an IDA account and the role of the participating financial institution; (vi) how and where savings deposits are to be made and the consequences to a participant should the participant fail to make a scheduled deposit; (vii) where, when and from whom the participant will receive financial literacy, credit repair and other training and support services; (viii) where, when and from whom will the participant receive training needed support to remain employed to assure continued savings from earned income; (ix) where, when and from whom the participant will receive training needed with respect to the qualified expenditure or purpose of the IDA, in the area of homeownership, pursuit of educational goal, business plan development and management, etc.; and (x) when, where and how the participant will make withdrawals to support the purposes of the IDA, once the IDA savings and match goals have been achieved. Applicants must also identify the state or Federal institution with which they are partnering in the development and implementation of their IDA project.

All applicants under Category 4 must include a copy of a signed agreement between the applicant and the financial institution(s), which sets forth: (i) That the project's reserve fund will be established in the financial institution; (ii) the rate of interest to be paid on amounts in the reserve fund; (iii) how, when, and where participant deposits will be made; (iv) how and when matching contributions will be made (e.g. in a parallel account); (v) the rate and frequency of interest payments on accounts, including matching contributions; (vi) the data and reports that will be furnished to the grantee concerning the reserve fund and IDA accounts; (vii) the contribution, if any, being made by the financial institution for deposit in the reserve fund, and the schedule of deposits of such contribution; and (viii) other services to be provided by the financial institution(s) that could strengthen the project, such as financial education seminars, favorable pricing on fees, out-stationing of services in community facilities, or assistance in recruitment of project participants. The narrative response to this subfactor need only identify the partnering financial institution(s) and reference the agreement(s) provided with the application.

Applicants will receive a greater number of points if your support service activities are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(e) Follow-up assistance and support activities to program graduates. HUD will evaluate the extent to which you provide assistance to Youthbuild program participants after graduation. Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed strategy. You must describe the type of proposed assistance and support which should be based upon an assessment of the needs of the program graduates and should include continued linkage to the local Youthbuild program, counseling and social service referral services. You will receive a greater number of points if your follow-up assistance and support service activities to program graduates are consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(f) On-site training. HUD will evaluate the extent to which the work plan provides for quality and comprehensive on-site construction training by addressing the categories below. Letters describing specific resources or services to be contributed by any non-applicant organizations must be included in your application. Points will be awarded based upon the quality and feasibility of your proposed curriculum, experience of proposed instructors, number of youth to be trained and wages or stipends for participants. HUD will consider:

(i) The housing construction or rehabilitation activities participants will undertake at the site(s) to be used for the on-site training component of the

program as provided in the training curriculum and methodology for carrying out on-site training;

(ii) The qualification and number of on-site supervisors;

(iii) The ratio of trainers to participants;

(iv) The number of participants per site; and

(v) The amounts, wages, and/or stipends you will pay to participants during on-site work.

All applicants will receive a greater number of points if your on-site training plan is consistent with the purpose of the Youthbuild program and your project goals and the resources provided.

(2) Strategy for Job Placement. (10 points)

HUD will evaluate the quality and feasibility of your proposed strategy to place youth participants in permanent jobs.

Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application. You will be rated on the following factors: (a) Proposed number of youth to obtain jobs that promote economic self-sufficiency (*i.e.* those that are a part of career paths or apprenticeship programs); (b) proposed number of youths who will continue post-secondary or secondary education; (c) proposed number of youths to receive entrepreneurship training. Two points of this factor will be awarded based upon the comprehensiveness and feasibility of your strategies and procedures to place youth participants in related apprenticeships and commitments from construction trade unions. You will receive a greater number of points if your strategy for job placement is consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

(3) Expected Outcomes. (5 points). Describe the number of youths to be trained and the number of housing units to be rehabilitated or constructed. As a part of this evaluation, HUD will assess the cost effectiveness of your stated outcomes as compared to the funds that you are requesting in the Youthbuild Grant Budget. You will receive a greater number of points if your proposed outcomes are consistent with the purpose of the Youthbuild program, your proposed project and the resources provided.

(4) Housing Program Priority. (10 points) HUD will assign Housing Program Priority points to all applications that contain evidence that housing resources for other Federal, State, local or private sources that are available and firmly committed to cover all costs, in full, for the following housing activities for the proposed Youthbuild program: acquisition, architect and engineering fees, construction, and rehabilitation. Applications that do not include proper documentation of firm financial commitments of non-Youthbuild resources or propose to use Youthbuild grant funds, in whole or in part, or do not evidence site control, for any one of the housing activities listed above will not be entitled to housing program priority points. Forms 2C, Housing Site Description, and 2C10, Youthbuild Grant Individual Housing Project Site Estimate, must be completed to receive the Housing Program Priority points.

Rating Factor 4: Leveraging Resources (10 Points)

(Exhibit 4B Non-Housing Program Resources Must Be Complete and You Must Provide Letters of Firm Commitment From the Donor With the Amount of Cash of In-Kind Contribution) This factor addresses the ability of the applicant to secure non-HUD resources. This factor measures the extent to which you have established partnerships with other entities to secure resources for your proposed program. Each commitment described in the narrative for this Factor must have a firm commitment letter. Grantees who leverage significant resources will receive a greater number of points.

HUD will evaluate the extent to which firm commitment of resources are obtained from Federal, State, local, and private and nonprofit sources. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds and the requested Youthbuild grant. The greater the amount of resources leveraged, the higher the points that will be awarded. In assigning points for this criterion, HUD will consider the level of non-applicant resources obtained for cash or in-kind contributions to cover the following kinds of areas:

(1) Social services (*i.e.*, counseling and training);

(2) Use of existing vocational, adult, and bilingual educational courses;

(3) Donation of labor, resource personnel, supplies, teaching materials, classroom, and/or meeting space;

(4) For Individual Development Accounts matching funds, financial services or other resources to be provided in support of such accounts; and

(5) Other commitments. In rating this element, HUD will consider only those contributions for which current firm commitments have been provided. HUD will evaluate the level of non-applicant resources proposed based on their importance to the total program. Leveraging will only be counted if you have secured a firm financial commitment. A firm commitment letter means the agreement by which an applicant's partner or contributing entity agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash, through in-kind services or contributions and is irrevocable, subject only to approval and receipt of a FY 2002 Youthbuild grant. For all applicants, each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and not earlier than the date that this NOFA is published. In documenting a firm commitment, the applicant's partner or contributing entity must:

(i) Specify the authority by which the commitment is made, the amount of the commitment and the use of funds. If the committed activity is to be self-financed, the applicant's partner or contributing entity must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the commitment.

(ii) State the amount and use of the commitment, and the relationship of the commitment to the proposed investment; and

(iii) Affirm that its investment is contingent only upon receipt of FY 2002 Youthbuild funds and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Resources from other Federal, State, Local governments or Private Entities. HUD encourages use of existing housing and homeless assistance programs administered by HUD or other Federal, State, local governments, or private and nonprofit housing programs as part of your Youthbuild program. In addition, HUD encourages use of other non-Youthbuild funds available for vocational, adult, and bilingual

education programs or for job training under the Workforce Investment Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Grantees who leverage significant resources will receive more points.

(1) Public sector sources—Federal, State, or local government sources to provide resources to carry out Youthbuild activities. (5 points)

(2) Private or nonprofit sector sources to provide resources to carry out Youthbuild activities. (5 points)

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve, how well your program outcomes result in increased independence and empowerment to your beneficiaries, and your organization's ability to becoming financially self-sustaining into the future absent any HUD funding. Your response to this sub-factor should provide a clear statement of the adverse conditions to be addressed by your organization's assistance, the expertise of your organization in addressing those conditions and your plans for ensuring that your organization will be able to sustain those efforts without further assistance from HUD at the conclusion of the grant period. HUD will evaluate the extent to which your application meets the following three elements: (1) *Coordination of activities* (4 points). The extent to which you have coordinated your activities with other known organizations that are not directly in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other agencies in your service area, the more points you will receive. An example of coordination activities would be the applicant's partnership with an existing child day care facility (which is not funded by program) that provides day care services to the Youthbuild participants during the hours they are being trained or receiving education. (2) *Self-Sufficiency* (3 points) The extent to which your application implements practical solutions within the grant term that result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved environments which are free from environmental hazards such as lead hazards, brownfields, overcrowded housing, etc. Applicants that clearly describe the extent to which proposed activities result in increased independence and empowerment for their beneficiaries will receive higher points in this sub-factor. (3) *Sustainability* (3 points). The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Youthbuild funding and relying more on state, local and private funding so your activities can be continued after your grant award is complete. Applicants that demonstrate a reduced dependence on Youthbuild funds over the life of their award will receive a greater number of points for this sub-factor. This decreasing dependence on Youthbuild funds should be present in a workplan that explains how this independence will be achieved.

VII. Application Submission Requirements

(A) *Site Access Submission Requirements.* You must submit identification of specific housing sites, and firm evidence of site access.

(1) Guidance on evidence of site access:

(i) If the applicant or joint applicant has a contract or option to purchase the property, you should provide a statement to that effect and include a copy of the contract or option;

(ii) If a third party owns the property or has a contract or option to purchase, that third party must provide a letter to you stating the nature of the ownership and specifically providing you with access to the property for the purposes of the program and the time frame in which the property will be available. In the case of a contract or option, include a copy of the document; and

(iii) You must provide the required certification that the proposed activities are consistent with the HUD-approved Consolidated Plan in accordance with 24 CFR part 91 and referenced in the General Section of the SuperNOFA.

(B) *Category 3 applicants only.* You must state that the proposed project to be established will be located in an underserved or rural area as defined in Section (VI)(B)(3) of this notice.

(C) *Application Items.* Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) SF–424, Application for Federal Assistance.

(2) HUD–424M, Federal Assistance Funding Matrix.

(3) SF–424A, Budget Information for Non-Construction Programs.

(4) SF–424B, Assurances for Construction Programs.

(5) SF–424C, Budget Information for Construction Programs.

(6) HUD–50070, Certification of Drug-Free Workplace.

(7) HUD–2880, Applicant/Recipient Disclosure/Update Form.

(8) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(9) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(10) HUD–2992, Certification Regarding Debarment and Suspension;

(11) Letters from property owners allowing access to the housing site for construction training.

(12) Submission of 501(c)(3) status and/or letter certifying non-profit status if the applicant is a public non-profit organization.

(13) Narrative Response to Factors for Award.

Factor 1—Capacity of the Applicant and Relevant Organizational Experience.

Factor 2—Need/Extent of the Problem.

Factor 3—Soundness of Approach, including the following non-narrative items: (a) Completed Youthbuild Grant Budget (Exhibit 4A), (b) housing site description (Exhibit 2C), (c) Youthbuild Grant individual housing site estimate (Exhibit 2C10), (d) letters from non-applicant resource providers describing contributions or support, (e) documentation necessary to complete environmental review (Exhibit 2C15), and description of relocation, if applicable.

Factor 4—Leveraging Resources, including your letters(s) evidencing the leveraged commitment(s), which will not be counted in the 15 page limitation.

Factor 5—Coordination, Self Sufficiency and Sustainability, include HUD–2991, Certification of Consistency with the Consolidated Plan.

(14) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(D) The total narrative response to all factors identified in Section VI(C)(13) of this program NOFA must not exceed 15 pages, and must be submitted on 8.5″ by 11″ paper, using a 12 point font, with lines double-spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will neither review nor consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

IX. Environmental Requirements

Environmental procedures apply to HUD approval of grants when you propose to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property proposed for housing project development. Environmental procedures do not apply to HUD approval of your application when you propose to use your Youthbuild funds solely to cover costs for classroom and/or on-the-job construction training and support services.

If you propose to use your Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, you must submit all relevant environmental information in your application to support HUD decision-making in accordance with the environmental procedures and standards set forth in HUD Regulation 24 CFR 585.307.

X. Authority

This program is authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, 106 Stat. 3723, 42 U.S.C. 12899). The Youthbuild Program regulations are found in 24 CFR part 585.

Appendix A—Instructions for Completion of Youthbuild Environmental Requirements (Exhibit 2C(15))

A. Instructions to Applicants

1. If you propose to use Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction or real property, you shall submit all relevant environmental information in your application to support HUD decision making in accordance with the environmental procedures and standards set forth in 24 CFR 585.307. For each proposed Youthbuild property for which HUD environmental procedures apply, you are to prepare a separate Exhibit 2C(15) in which you supply HUD with environmental threshold information and letters from qualified data sources (see definition below) which support the information. HUD will review your submission and determine how, if necessary, HUD will comply with any Federal laws and authorities that may be applicable to your property proposed for Youthbuild funding. If environmental procedures apply and Exhibit 2C(15) with supporting documentation is not included then the application will be deemed ineligible.

You are to follow these instructions for preparing Exhibit 2C(15). The instructions advise you on how to obtain and document certain information to be supplied to HUD in this exhibit. Before selecting a property for Youthbuild funding, you should read these instructions and be advised that HUD encourages you to select, to the extent practicable, properties and locations that are free of environmental hazards and problems discussed in these instructions. The responses to the environmental criteria in Exhibit 2C(15) will be used to determine environmental approval or disapproval by HUD of proposals for physical development of properties.

2. After selecting a property for proposed Youthbuild funding, you are to determine the activities to be undertaken with your Youthbuild funds. You are to indicate in Section E whether the Youthbuild funds will be used for:

(a) Lease or purchase of a property;

(b) Minor rehabilitation or

(c) Major rehabilitation; or

(d) New construction of housing.

The activities proposed for Youthbuild funding will determine the kind of data that you will need to obtain from a qualified data source in order to complete Exhibit 2C(15).

3. Once you have selected a property and determined the activities for Youthbuild funding, you are advised to check with your city or county agency that administers HUD's Community Development Block Grant program and performs environmental reviews, or the local planning agency. The reason is that most, if not all, the data needed for preparing Exhibit 2C(15) is readily available from the local community development agency and the local planning agency. You are advised to ask the environmental staff of those agencies the following:

(a) Has the agency ever prepared an environmental review of the proposed Youthbuild property or the neighborhood in which the property is located, and if so, would it provide a copy to the applicant for use by HUD;

(b) Would the agency assist you in completing section G; or if the agency is not able to help complete any item in section G, would the agency advise you which local or State agency is the appropriate qualified data source for obtaining the information.

Also, you should check with the local planning agency before proceeding elsewhere for the information.

You are advised that the cost of preparing information and analyses needed for Exhibit 2C(15) is an eligible cost under the Youthbuild program and is reimbursable if you are approved for a grant.

4. The following definitions are of key terms used in these instructions. Most of the other terms are technical and their definition would be known to qualified data sources.

(a) Qualified data source means any Federal, State or local agency with expertise or experience in environmental protection (e.g., the local community development agency; the land planning agency; the State environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular subject. A letter supporting the information from each qualified data source is to be attached to Exhibit 2C(15).

(b) Minor rehabilitation means proposed fixing and building repair:

(i) Where the estimated cost of the work is less than 75 percent of the property value after completion;

(ii) That does not involve changes in land use from residential to nonresidential, or from nonresidential to residential;

(iii) That does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; and

(iv) That does not increase unit density by more than 20 percent.

For minor rehabilitation of a building located in a floodplain, the criteria for substantial improvement modify this definition. (See Item B 3 below)

(c) Major rehabilitation means proposed fixing and building repair:

(i) Where the estimated cost of the work is 75 percent or more of the property value after completion; or

(ii) That involves changes in land use from residential to nonresidential, or from nonresidential to residential; or

(iii) That involves the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; or

(iv) That increases unit density by more than 20 percent.

(d) Multifamily housing means any residential building that contains five or more apartments or rooming units.

(e) Single-family housing means any residential building that contains one-to-four dwelling units.

Because each Federal environmental law or authority has compliance requirements that differ according to the type of proposed activity to be funded, you are required to supply information in Exhibit 2C(15) only for the type of activity for which the Youthbuild grant will be used.

(a) If you propose new construction or major rehabilitation of multifamily housing, you must supply complete and reliable environmental threshold information for items 1 through 13 in section G.

(b) If you propose new construction of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 12 in section G.

(c) If you propose minor rehabilitation of multifamily or single-family housing, or the purchase or lease of a property, you must supply complete and reliable environmental threshold information for items 1 through 7 in section G.

5. Applicants subject to HUD's environmental procedures are to submit Exhibit 2C(15) and accompanying documentation to HUD with the applications for grant assistance. Such applicants are prohibited from committing or expending State, local or other funds to undertake property rehabilitation, construction (including demolition), or acquisition (including lease), until HUD and the grantee execute a grant agreement for the proposed Youthbuild project.

6. HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for Youthbuild applications.

B. Environmental Threshold and Documentation Requirements

The threshold and documentation requirements for each of the Federal environmental laws and authorities are described below, following the same order as they appear in section G .

1. Site within designated coastal barrier resources:

Threshold: Youthbuild applicants are prohibited by Federal law from using Federal financial assistance for properties, if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes (Coastal Barrier Resources Act, as amended, 16 U.S.C. 3501).

* *Documentation*: You are to select either A or B for the condition that best describes the property and report the option selected in item 1 of section G.

A. You state that your program operates in a community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. If your program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, you must provide HUD with a finding made by a qualified data source stating that the proposed property is not located within a designated coastal barrier resource by citing the map panel number of the official maps issued by the Department of the Interior (DOI) on the basis of which the finding was made.

2. Site contaminated with toxic chemicals and radioactive materials:

Threshold: Under HUD policy, as described in HUD Notice 79–33 (Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials), HUD will not approve the provision of financial assistance to residential properties located on contaminated sites. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on either an EPA Superfund National Priorities List (NPL) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

* *Documentation*: You are to select either A or B for the condition that best describes property and report the option selected in item 2 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed Youthbuild property and any neighboring properties do not contain any sites known or suspected to be contaminated with toxic chemicals and radioactive materials.

B. You are providing any site contamination data by a qualified data source in your letter for HUD's evaluation of contamination and/or suspicion of any contamination of a proposed property or any neighboring properties.

3. Site affecting a floodplain:

Threshold: A property located within a floodplain and proposed for funding is subject to Executive Order 11988, Floodplain Management. The Executive Order directs HUD to avoid, where practicable, proposed financial support for any floodplain property, whenever HUD has options to approve properties in flood-free locations. The Order does not apply to existing single-family properties proposed for purchase or lease except for: (i) Property that is located within a floodway or coastal high hazard area; and (ii) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (a) Increases the unit density of the property; or (b) equals or exceeds 50 percent of the market value of the property before rehabilitation, but excluding the costs for correcting health, sanitary, and safety code violations. Note: Proposed funding for substantial improvement and new construction are subject to the Executive Order decision-making process. This may result in a disqualification of your application (refer above to number 7 under ''Instructions to Applicants'').

* *Documentation*: You are to select A or B for the condition that best describes your property and report the option selected in item 3 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within the Special Flood Hazard Area (SFHA).

B. You are providing HUD with a finding made by a qualified data source that the property is located within the Special Flood Hazard Area (SFHA) and indicating if whether the property is located within a floodway or coastal high hazard area.

The information for A and B must provide HUD with the flood map panel number obtained either from the official maps issued for the National Flood Insurance Program or from the property appraisal report used to make the finding.

For all proposed rehabilitation of properties that are located within a SFHA, you must provide HUD with estimates of: (i) the property value before rehabilitation, and (ii) the cost of the proposed rehabilitation. Provide the estimates in section F.

If the property is found to be located within a SFHA, proceed to item 4 on flood insurance protection. Otherwise proceed to item 5.

4. Building requiring flood insurance protection:

Threshold: HUD will estimate the amount and period of flood insurance coverage that is to be made a condition of approval of any HUD financial assistance for a building located within a Special Flood Hazard Area (SFHA). The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted buildings to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for the proposed purchase, rehabilitation, or new construction of any SFHA building. The law prescribes the coverage period and dollar amount of flood insurance protection.

Proof of Purchase of Flood Insurance Protection: You must provide HUD with proof of purchase of flood insurance protection for any proposed Youthbuild building located within the SFHA, whenever HUD funding is being used for property purchase, rehabilitation, or new construction. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under the NFIP. Whenever the requirement applies to coverage which extends to future years, the grant agreement will require that the insured has its insurer automatically forward to HUD, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance. The Youthbuild applicant's responsibility ceases in cases where a mortgage loan is approved requiring flood insurance as condition of loan approval by a lender (other than the Youthbuild applicant), whose responsibility is to assure flood insurance coverage for the loan.

**Documentation:* You are to select either A or B for the condition that best describes your property and report the option selected in item 4 of section G.

A. You already own the property and attach a copy of the Policy Declarations form confirming that a current flood insurance policy is in effect and the policy provides adequate coverage for the building proposed for the Youthbuild project located within the Special Flood Hazard Area.

B. After you have purchased (or constructed, in the case of proposed new construction) the Youthbuild property, you must obtain and maintain flood insurance protection. For the term and amount of coverage prescribed by law, you must provide HUD with a copy of the Policy Declarations form confirming that the flood insurance policy is in effect and the policy provides adequate coverage for the Youthbuild building located within the Special Flood Hazard Area.

5. Site within clear zones or accident potential zones of airports and airfields:

Threshold: HUD policy as described in 24 CFR part 51, subpart D applies to HUD approval of financial assistance to: (a) properties located within clear zones; and (b) in the case of new construction or major rehabilitation, properties located within accident potential zones.

(a) Clear zones: New construction and major rehabilitation of a property that is located on a clear zone site is prohibited. HUD financial assistance in a clear zone is allowed only for the proposed lease, purchase, or minor rehabilitation of properties (24 CFR 51.302(a)). For HUD funding approval for any property in a clear zone: (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file. The written notice informs the prospective property buyer of: (i) The potential hazards from airplane accidents which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to buy the property at some future date as part of a clear zone acquisition program.

(b) Accident potential zones: For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense ''Land Use Compatibility Guidelines for Accident Potential Zones.''

Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 5 of section G.

A. The property is not located within 3,000 feet of a civil airport or military airfield.

B. If your property is located within 3,000 feet of a civil airport or military airfield, you must provide HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

For properties that are located within a runway clear zone or a clear zone or accident potential zone, if you propose to rehabilitate such a property you must provide HUD with estimates of: (i) The cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation. The estimates are to be provided in section F.

6. Site is or affects an historic property:

Threshold: Only if a property is proposed for rehabilitation or new construction must HUD in consultation with the State Historic Preservation Officer (SHPO), and following the Department of the Interiors Standards and Guidelines for Evaluation, make a determination whether the property is:

(a) Listed on or formally determined to be eligible for listing on the National Register of Historic Places;

(b) Located within or directly adjacent to an historic district; or

(c) A property whose area of potential effects includes an historic district or property.

Historic properties and districts are subject by law to special protection and historic preservation processing which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (ACHP: 36 CFR part 800). Note: If you are using information from the SHPO as a qualified data source you need to allow sufficient time to obtain the information from the SHPO. You may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. In addition, for properties determined to be historic properties, HUD will require 30 to 90 days in most cases for HUD to perform historic preservation compliance with the ACHP regulations. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

Documentation: You are to select one of the following options that best describes the condition of your property and report the option selected in item 6 of section G.

A. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity:

1. Is located within an area where there are no historic properties; or

2. Will have no effect on historic properties; or

3. Will have an effect on historic properties not considered adverse

B. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPOs finding that the proposed Youthbuild activity will have an adverse effect on historic properties.

C. You are providing HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide you with the requested information and finding.

7. Site near hazardous industrial operations:

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). However, under the Youthbuild program, these standards would apply only if you propose: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

Documentation: You are to select one of the following options that best describe the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and you are providing HUD with a finding by a qualified data source that the proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

C. The applicant proposes: (i) Construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding made by a qualified data source stating: (1) That the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous industrial operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR 51, Subpart C.

8. Site near high noise source:

Threshold: For new construction which is to occur in high noise areas (i.e. exceeding 65 decibels), applicants shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a Normally unacceptable noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

Proposed housing sites with above 75 decibels are unacceptable and the noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. In Unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to non-housing land uses compatible with the high noise levels.

For major rehabilitation projects involving five or more dwelling units located in the ''Normally Unacceptable'' and ''Unacceptable'' noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

Documentation: You are to select A or B for the condition that best describes their project and report the option selected in item 8 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units is not located within: (I) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 feet

of a railroad; or (iii) 1 mile of a civil or 5 miles of a military airfield.

B. The applicant provides HUD with a finding made by a qualified data source: (I) Stating that the plans for the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units will incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51; (ii) stating whether the property is located within a ''Normally Unacceptable'' or ''Unacceptable'' noise zone; and (iii) providing HUD plans and a statement of the anticipated interior noise levels.

9. Site affecting coastal zone management:

Threshold: Only for proposed activities involving new construction or major rehabilitation of multifamily housing does the Coastal Zone Management (CZM) authority apply. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the project and report the option selected in item 9 of section G.

A. You state that your project is not located within a coastal zone, as defined by the States Coastal Zone Management Plan.

B. If your project is located within a coastal zone, you are providing HUD with a finding made by the State CZM agency that the project proposed by the applicant is consistent with the approved State coastal zone management program.

10. Site affecting a sole source aquifer:

Threshold: The sole source aquifer authority applies primarily to activities involving proposed new construction or conversion to housing of non-residential property. Projects which can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

**Documentation:* You are to select either A or B for the condition that best describes their project and report the option selected in item 10 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. If your project proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, you are identifying the aquifer and providing HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that have been received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

11. Site affecting endangered species:

Threshold: The Endangered Species Protection (ESP) authority applies primarily to activities involving proposed new construction or conversion to housing of a non-residential property. Projects which can affect listed or proposed endangered or threatened species or critical habitats require consultation with the Department of the Interior in compliance with the procedure of Section 7 of the Endangered Species Act of 1973, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the property and report the option selected in item 11 of section G.

A. If your project proposes new construction or conversion activities, you are providing HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. If your project proposes new construction or conversion activities that are likely to affect listed or proposed endangered or threatened species or critical habitat, you are providing HUD with a statement from a qualified data source explaining the likely affect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior stating as acceptable the proposed mitigation that you will provide to protect any affected endangered or threatened species or critical habitat.

12. Site affecting a designated wetland:

Threshold: New construction or conversion to housing of a non-residential property located within a designated wetland is subject to Executive Order 11990, Protection of Wetlands. This Executive Order directs HUD to avoid, where practicable, financial support for new construction on wetland property. Note: Proposed funding for new construction or conversion is subject to the Executive Order decision making process. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

**Documentation:* You are to select A or B for the condition that best describes the property and report the option selected in item 12 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within a designated wetland where new construction or conversion is proposed.

B. You are providing HUD with a finding made by a qualified data source that the property is located within a designated wetland, which applies only to property where new construction or conversion is proposed.

The information for A and B must provide HUD with the wetland panel number obtained from official maps issued by the Department of the Interior on the basis of which the finding was made, or where DOI has not mapped the area, a letter or other documentation from the Army Corps of Engineers or other Federal agency.

13. Significant impact to the human environment:

Threshold: HUD must perform an environmental assessment of any property proposed for major rehabilitation or new construction except for a single-family property having one-to-four dwelling units. It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm. This policy is authorized by the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality and HUD's Environmental Rule at 24 CFR part 50.

**Documentation:* You are to provide HUD with any information on any adverse environmental impacts that affect the property or that the project would create. You are to report this data on a separate sheet and attach it to Exhibit 2C(15). Examples of adverse impacts are: soil instability and erodibility; natural or person-made hazards and nuisances; air pollution; inadequate infrastructure (e.g., water supply, waste water treatment, storm water management, solid waste collection), inadequate public services (i.e., fire, police, health care, social services, schools, parks) and transportation; and encroachment on prime farmlands and wild and scenic river areas. You are to identify any significant impacts to the human environment.

Appendix B

The non-standard forms, which follow, are required for your Youthbuild application.

BILLING CODE 4210–32–P

APPENDIX B

Exhibit 2F: Court-ordered Consideration

Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the Youthbuild strategy for the Dallas area will be used to eradicate the vestiges of segregation in the Dallas Housing Authority's low-income housing programs.

Is the applicant the City of Dallas, Texas?

☐ No

☐ Yes

If "yes", please attach a statement that addresses the effect(s), if any, that vestiges of racial segregation in the Dallas Housing Authority's low-income programs have no potential participants in the Youthbuild program and identify proposed actions for remedying those vestiges. Label this documentation Exhibit 2F.

2 C. Housing Site Description

Complete **all** sections.

1. Housing Site Identification	2. Number of housing units planned to be produced	3. Type of housing to be produced: (check all that apply) ☐ residential rental ☐ homeownership ☐ transitional housing for the homeless

4. Homeless Housing: For housing that will be transitional housing for the homeless, attach a description of the plan for the outreach and placement of homeless families or individuals. (1 page) **Label this narrative Exhibit 2C4.**

5. Will all housing produced be provided for homeless, low-income, or very-low income persons? ☐ Yes ☐ No	6. The on-site training will consist of: ☐ New Construction ☐ Rehabilitation
7. Are any of the units currently occupied? ☐ Yes ☐ No If yes, attach a relocation narrative that identifies: the number of persons, the business or others occupying the property on the date of submission of this application, the number to be displaced, the number to be temporarily relocated but not displaced, the estimated cost of relocation services payments and services, the source of funds for relocation, and the organization that will provide relocation assistance to occupants and the contact person's name and phone number. **Label this attachment as Exhibit 2C7.**	8. Name of the current owner of the property.

9. Documentation of Access: Attach required evidence of site access. (Letter from the owner identified in No. 8) **Label this attachment Exhibit 2C9.**

10. Individual Housing Project Site Estimate and Documentation of Resources

Complete the attached Exhibit 2C10 for each housing project site to be used in conjunction with the Youthbuild implementation program. **Attach documentation of resources behind each Exhibit 2C10.**

11. Describe the applicant's role and responsibilities for the on-site housing construction or rehabilitation work. **Label this description Exhibit 2C11.**

12. Name the entity which will own and manage the property after the construction or rehabilitation work is completed.	13. Housing Project Certifications. Housing Certifications are Attached: ☐ Yes ☐ No
14. Model Lease A Model Lease is attached: ☐ Yes ☐ No	15. Environmental Threshold Information for Property Proposed for Youthbuild funding Exhibit 2C15 and supporting documentation is attached: ☐ Yes ☐ No

16. Picture: (optional) Provide a picture of each potential housing site. **Label it Exhibit 2C16.**

(4/98)

2 C 10: Youthbuild Grant
Individual Housing Project Site Estimate

Address of Property (Include city, state, and zip code)

Grant Activities	Resources					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions.

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR Part 585.309, 310, or 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

(4/98)

Exhibit 4A

Total Youthbuild Grant Budget

Grant Activities	Sources of Funds					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing construction						
4. Housing rehabilitation						
5. Relocation						
6. Outreach and Recruitment Activities						
7. Education and job training (includes on-site training)						
8. Trainee wage, etc.*						
9. Leadership development, counseling, support services						
10. Job placement and follow-up						
11. Subtotal (sum of lines 1 through 10)						
12. Costs of administering Grant. **						
13. Total Costs (sum of lines 11 and 12)	$	$	$	$	$	$

* Include need-based stipends/benefits/incentives/tools/clothing/etc.

Exhibit 4B:
Non-Housing Program Resources

Information in this exhibit will be used to rate the Non-Housing Program Resources criterion. Applicants should refer to the specific instructions on how to complete this exhibit. Verify that the letter is acceptable. The "Dollar Value Provided" figure is total of those with an acceptable letter. Do not include any letters that are housing resources.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

(4/98)

2 C 15: Environmental Threshold Information for a Property Proposed for Youthbuild Funding

(See instructions for completing this exhibit.)

Youthbuild Applicant's Name.	Contact Person's Name.	Phone Number (include Area Code).

A. Street address for the property:(include City, State, Zip Code)

B. Attach a map of the community and mark on themap the location of the property.
Map is attached: Yes ☐ No ☐

C. Attach a copy of any environmental review for the property obtained from the local qualified data source.
Environmental review is attached: Yes ☐ No ☐

D. Indicate the present and proposed use of the property (i.e., whether single-family, multifamily or non-residential); and number of dwellings or rooming units.
Present use: No. of units: _____

Proposed use: No. of units: _____

E. Indicate the activities for which you are proposing to use Youthbuild funds for the property.

☐ Lease or purchase of a property ☐ Major Rehabilitation ☐ Minor Rehabilitation ☐ New Construction

F. If the proposed Youthbuild property is located within a floodplain, or a clear zone or accident potential zone of an airport or airfield, provide the following information:

Property value before rehabilitation (est. in thousands) $	Rehabilitation costs (est. in thousands) $	Property value after completion of rehabilitation (est. in thousands) $

G. For new construction or major rehabilitation of multifamily housing, complete items 1 through 13. For new construction of single-family housing, complete items 1 through 12. For minor rehabilitation of multifamily or single-family housing, or for the purchase or lease of a property, complete items 1 through 7. The designation "A" or "B" or "C" refers to the type of documentation required by the Instructions contained in the Appendix

1. Site within designated coastal barrier resources: Indicate A or B _____
2. Site contaminated with toxic chemicals and radioactive materials: Indicate A or B _____
3. Site affecting a floodplain: Indicate A or B _____
4. Building requiring flood insurance protection: Indicate A or B _____
5. Site within clear zones or accident potential zones of airports and airfields: Indicate A or B _____
6. Site is or affects an historic property: Indicate A, B, or C _____
7. Site near hazardous industrial operations: Indicate A, B, or C _____
8. Site near high noise source: Indicate A or B _____
9. Site affecting coastal zone management: Indicate A or B _____
10. Site affecting a sole source aquifer: Indicate A or B _____
11. Site affecting endangered species: Indicate A or B _____
12. Site affecting a designated wetland: Indicate A or B _____
13. Significant impact to the human environment: Are there any adverse environmental impacts that affect the property or that the project would create?

Yes ☐ If yes, document on separate sheet(s).
No ☐

2 C 13a: Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certifications. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. Will maintain at least a 90 percent level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. The remaining ten percent of the units will be made available to and occupied by low-income families. The income test will be conducted only at the time of entry for each unit available for occupancy. Each available rental unit will be made available to the 60 percent-of-area-median-income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the ten year period. Community-wide advertisements for tenants of this income group will be conducted. If, at the end of the 90-day advertising period, no qualifying tenant leases the unit, the unit will be advertised for individuals and families with incomes between 60 and 80 percent of the area median income, adjusted for family size, for another 90-day period. Leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the ten percent allowance) will be limited to one year and such temporary tenants are not covered by paragraphs C., E., and F. below.

B. Will use the model lease submitted with the Youthbuild application with any modifications approved by HUD at the time of grant award.

C. Will not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, state or local laws, or for other good cause. Any termination or refusal to renew the lease will be preceded by a not less than 30-day written notice to the tenant specifying the grounds for the action.

D. Will maintain the premises in compliance with all applicable HUD, other Federal, State or local program housing quality standards and local code requirements. If no public assistance is involved other than the Youthbuild grant, HUD's Section 8 housing quality standards will be followed.

E. Will develop and adopt a tenant selection plan that:

(1) is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(2) is reasonably related to program eligibility and the certifying entity's ability to perform the obligations of the lease;

(3) gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(4) provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(5) acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

2 C 13b: Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing property that will be used for Transitional housing for the homeless must make the certifications below. If the rightful property owner is not the applicant, these certifications must be signed by that owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild transitional housing project receiving Youthbuild assistance, it:

A. Will ensure that the aggregate monthly rental for each Youthbuild project will not exceed the operating costs of the project (including debt service, management, adequate reserves and other documented operating costs) plus a six percent return on any equity investment of the project owner.

B. Will, **if it is a nonprofit organization**, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive: (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

C. Will ensure that the transitional housing project shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act, unless these requirements are expressly waived by the Secretary of HUD to permit the conversion of the project to a permanent housing project.

D. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

2 C 13c: Housing Project Certifications For Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, or rehabilitation for a housing property that will be used for homeownership must provide the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild homeownership housing project receiving Youthbuild assistance, it:

A. Will ensure that the homeownership project will comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certification for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE RURAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAM

PROGRAM OVERVIEW

Purpose of Program: The purpose of the Rural Housing and Economic Development (RHED) program is to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. The funds made available under this program will be awarded competitively, through a selection process conducted by HUD in consultation with the United States Department of Agriculture (USDA).

Available Funds: Approximately $25 million in Fiscal Year (FY) 2002 funding.

Eligible Applicants: Local, rural, non-profit organizations; community development corporations; federally recognized Indian tribes; State housing finance agencies; and, State economic development and/or community development agencies.

Application Deadline: April 26, 2002.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information:

I. Application Due Date, Further Information and Technical Assistance

Application Due Date: Applications for RHED grants are due on or before April 26, 2002.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, or overnight delivery).

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that apply to application submission . Please read the following instructions carefully and completely. HUD will not accept hand-delivered applications. Applications may be mailed using the United States Postal Service (UPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without an escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received in HUD Headquarters on or within fifteen (15) days of the application due date. Applicants must obtain and save a Certificate of Mailing showing the date, when your application was submitted to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express service no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday through Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Address for Submitting Applications: Completed applications (one original and two copies) must be submitted to: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; ATTN: Office of Rural Housing and Economic Development. When submitting your application, please include your name, mailing address (including zip code), telephone number, and fax number (including area code).

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for the Rural Housing and Economic Development Program.

For Further Information and Technical Assistance. All information and materials required to submit an application for funding under the HUD Rural Housing and Economic Development program are included in the Appendix to this NOFA.

For information concerning the HUD Rural Housing and Economic Development program, contact Mr. Marty Horwath, Community Planning and Development Specialist, or Ms. Holly A. Kelly, Economic Development Program Specialist, Office of Community Planning and Development (CPD), Department of Housing and Urban Development, 451 7th Street, SW., Room 7136, Washington, DC 20410; telephone 202–708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Prior to the application deadline, HUD staff at the number above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, consult the HUD web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funds.* Approximately $25 million in Fiscal Year (FY) 2002 funding is being made available through this NOFA. The breakdown for this funding is below.

(B) *The FY 2002 HUD Appropriations Act.* The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub. L. 107–73 approved November 26, 2001) (the ''FY 2002 HUD Appropriations Act'') made $25 million in FY 2002 funds available under the RHED program.

(C) *Funding Categories/ Maximum Award Amounts.* HUD will award up to approximately $25 million on a competitive basis in the following funding categories. Applicants must apply for funds in one of the two categories: Category (1), Capacity Building; or Category (2), Support for Innovative Housing and Economic Development Activities. Only one application will be accepted from any given organization.

(1) *Capacity Building.* HUD will award up to approximately $10 million to build capacity. This amount will go directly to local rural non-profits, community development corporations (CDCs) and federally recognized Indian tribes to increase an organization's capacity to support innovative housing and economic development activities. The maximum amount awarded to a successful applicant in this category will be $150,000. If you received two or more RHED grant for capacity building since 1999, you are not eligible to apply

under this category. If you received an RHED grant in 2001 for capacity building, you are eligible for a maximum award of $100,000 under this category.

(2) *Support for Innovative Housing and Economic Development Activities.* HUD will award up to approximately $15 million to federally recognized Indian tribes, State Housing Finance Agencies (HFA)s, state community and/or economic development agencies, local rural non-profits and CDCs to support innovative housing and economic development activities in rural areas nationwide. The maximum amount awarded to a successful applicant in this category will be $400,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description.

(1) *Background.* There is a great need for expanding the supply of housing in rural America, particularly affordable housing for low-income families and individuals. A number of rural areas have experienced rapid growth as a result of employment opportunities, and now face a shortage of affordable housing. In other rural areas, out-migration other factors contributing to economic dislocation, have caused severe economic distress. There has been a growing national recognition of the need to enhance the capacity of federally recognized Indian tribes, local rural non-profits, CDCs, and State community and/or economic development agencies to expand the supply of affordable housing and to engage in economic development activities in rural areas.

A number of resources are available from the Federal government to address these problems, including programs of the United States Department of Agriculture (USDA), the Economic Development Administration (EDA), the Appalachian Regional Commission (ARC), the Department of Interior (for Indian Tribes) and HUD. The Rural Housing and Economic Development program has been developed to supplement these resources and to focus specifically on capacity building and innovative approaches to housing and economic development in rural areas. In administering these funds, HUD encourages you to coordinate your activities supported by any of these agencies.

(2) *Definitions. Appalachia's Distressed Counties* means those counties in Appalachia that ARC has determined to have unemployment and poverty rates that are 150 percent of the respective U.S. rates and per capita income that is less than 67 percent of the U.S. per capita income, and counties with 200 percent of the U.S. poverty rate and one other indicator such as percent of overcrowded housing, etc. Appendix B to this notice identifies ARC's list of distressed counties.

Colonia means any identifiable community that:

(i) Is located in the State of Arizona, California, New Mexico, or Texas;

(ii) Is located in the U.S.-Mexico border region (that is, within 150 miles of the border between the U.S. and Mexico); and

(iii) Meets objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

Farmworker means a farm employee of an owner, tenant, labor contractor, or other operator raising or harvesting agricultural or aquacultural commodities; or a worker in the employment of a farm operator, handling, planting, drying, packing, grading, storing, delivering to storage or market, or carrying to market agricultural or aquacultural commodities produced by the operator. Seasonal farm workers are those farm employees who typically do not have a constant year round salary.

A *firm commitment* means the agreement by which an applicant's partner agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity either in cash or through in-kind contributions and is irrevocable, subject only to approval and receipt of a FY 2002 RHED grant. Each letter of commitment should include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization and dated not earlier than the date of publication of this NOFA. In documenting a firm commitment, the applicant's partner must:

(i) Specify the authority by which the commitment is made, the amount of the commitment, the use of funds and the relationship of the commitment to the proposed investment. If the committed activity is to be self-financed, the applicant's partner must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of it is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the loan;

(ii) Affirm that the commitment is contingent only upon the receipt of FY 2002 RHED funds and state a willingness on the part of the signatory to sign a legally binding commitment (conditioned on HUD environmental review and approval of a property, where applicable) upon award of the grant.

Indian tribe means any entity eligible to apply for funding under the Indian Community Development Block Grant (ICDBG) program (see 24 CFR 1003.5(a)). The list of federally recognized Indian tribes can be found notice published by the Department of the Interior on March 13, 2000, at 65 FR 13299, and is also available from HUD.

Innovative housing activities means projects, techniques, methods, combinations of assistance, construction materials, and energy efficiency improvements or financing institutions or sources new to the eligible area, or its population. The innovative activities can also build upon and enhance a model that already exists.

Local rural non-profit or community development corporation means either:

(i) Any private entity with tax-exempt status recognized by the Internal Revenue Service (IRS) which serves the eligible rural area involved in the application (including local affiliates of national organizations that provide technical and capacity building assistance in rural areas); or

(ii) Any public non-profit such as a Council of Governments that will serve specific local non-profit organizations in the eligible area.

Lower Mississippi Delta Region means the eight state, 235 county/parish region defined by Congress in the Lower Mississippi Delta Development Act, Pub.L. 100–460. Appendix C to this notice identifies the counties referenced in the Act.

Rural area may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with an urban population of 20,000 inhabitants or less.

(iii) Territory, persons, and housing units in the rural portions of ''extended cities.'' The U.S. Census Bureau identifies the rural portions of extended cities.

(iv) Open country that is not part of or associated with an urban area. The USDA describes ''open country'' as a site separated by open space from any adjacent densely populated urban area.

Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(v) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

State economic development and/or community development agency means any state agency that has promotion of statewide or local community/economic development as its primary purpose.

State Housing Finance Agency means any state agency created to assist local communities and housing providers with financing assistance for development of housing in rural areas, particularly for low- and moderate-income people.

(3) *Eligible applicants.* Eligible applicants for each of the funding categories are as follows:

(a) *For capacity building funding.* If you are a local rural non-profit, CDC, or federally recognized Indian tribe, you are eligible for capacity building funding to carry out innovative housing and economic development activities which may also enable an applicant to become self-sustaining in the future.

(b) *For support for innovative housing and economic development activities funding.* If you are a local, rural non-profit; CDC; federally recognized Indian tribe; State HFA; or State economic development and/or community development agency, you may apply for funding to support innovative housing and economic development activities in rural areas.

(4) *Eligible activities.* The following are examples of eligible activities under the Rural Housing and Economic Development program. These examples are illustrative and are not meant to limit the activities that you may propose in your application.

(a) *For capacity building funding.* Capacity building for innovative rural housing and economic development involves the enhancement of existing organizations to carry out new functions and/or to more effectively perform existing functions. Activities may include, but are not limited to the following:

(i) Enhancement of existing functions or creation of new functions to provide affordable housing and economic development in rural areas;

(ii) Acquisition of additional space and support facilities;

(iii) Salaries for additional staff needed to conduct the work, including financial management specialists, and economic development specialists;

(iv) Training of staff in the areas of financial management, economic development financing, housing accessibility and visitability standards, fair housing issues and complaint filing;

(v) Development of business plans in order for the organization to be self-sustaining;

(vi) Development of Management Information Systems (MIS) and software to enable better and more accurate reporting of information to HUD and to other entities;

(vii) Development of feasibility studies and market studies;

(viii) Training on energy efficiency in construction for housing and commercial projects;

(ix) Housing counseling services including the provision of information on budgeting, access to credit and other federal program assistance available including the Section 502 Single Family Housing Loan program under the USDA;

(x) Coordinating with the USDA in holding training sessions with your staff on the Section 502 Single Family Housing loan program and other housing or economic development programs available from USDA;

(xi) Conducting conferences or meetings with other Federal and State agencies to inform residents of programs, rights and responsibilities associated with homebuying opportunities; and;

(xii) Arranging for technical assistance to conduct needs assessments, conduct asset inventories and to develop strategic plans.

(i) Administrative costs for assistance under this funding category may not exceed fifteen percent (15%) of the total grant award.

(b) *For support of innovative housing and economic development activities.*

(i) This category is intended to support, but not be limited to, other costs for innovative housing and economic development activities. Activities may include, but are not limited to the following:

(i) Cost for using new or innovative construction, energy efficiency or other techniques that will result in the design and/or construction of innovative housing and economic development projects;

(ii) Preparation of plans, architectural or engineering drawings;

(iii) Preparation of legal documents, government paperwork requirements and applications to allow construction of housing and economic development activities to occur in the jurisdiction;

(i) Financial assistance for the acquisition of land and buildings;

(i) Demolition of property to permit construction or rehabilitation activities to occur;

(i) Development of infrastructure to support the housing or economic development activities;

(i) Purchase of construction materials;

(ii) Job training to support the activities of the organization;

(iii) Homeownership counseling, including credit counseling, budgeting, access to credit, and other federal assistance available including the Section 502 Single Family Housing Loan program under the USDA;

(iv) Coordinating with the USDA in holding training sessions with staff on the Section 502 Single Family Housing loan program and other housing or economic development programs available from USDA;

(v) Conducting conferences or meetings with other Federal and State agencies to inform residents of programs, rights and responsibilities associated with homebuying opportunities;

(vi) Development of feasibility studies and market studies;

(vii) Development of Management Information Systems (MIS) and software to enable better and more accurate reporting of information to HUD and to other entities;

(viii) Establishing Community Development Financial Institutions (CDFIs), lines of credit, revolving loan funds, microenterprises, and small business incubators; and

(ix) Provision of direct financial assistance to homeowners/businesses/developers, etc. This can be in the form of establishing default reserves, pooling/securitization mechanisms, loans, grants, etc.

Applicants are reminded that they must affirmatively further fair housing. Grantees should demonstrate that their activities will continue to serve the populations that are in need and that beneficiaries will have a choice of innovative housing and economic development opportunities as a result of these activities.

(i) Administrative costs for assistance under this funding category may not exceed fifteen percent (15%) of the total grant award.

(5) Ineligible activities. Examples of ineligible activities for both funding categories include:

(i) the use of RHED grant funds for income payments to subsidize individuals or families;

(ii) political activities;

(iii) general governmental expenses other than expenses related to the administrative cost of the grant; or

(iv) projects and activities intended for personal gain or private use.

IV. Program Requirements

(A) *General.* To be eligible for funding under this program section of this SuperNOFA, you must meet the threshold and statutory or regulatory requirements applicable to all programs set forth in Section II of the General Section of the SuperNOFA. In addition to the above, you must meet the following program specific requirements.

(B) *Accounting System Requirements.* RHED requires that successful applicants have in place an accounting system that meets the policies, guidance, and requirements as described in the following applicable OMB Circulars and Code of Federal Regulations:

(1) OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments);

(2) OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations), (3) OMB Circular No. A–133 (Audits of States, Local Governments, and Non-Profit Organizations);

(4) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and

(5) 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments).

These documents apply to the award, acceptance and use of assistance under the Rural Housing and Economic Development program NOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 2002 HUD Appropriations Act, other Federal statutes or the provisions of this NOFA.

(C) *Ethical Standards.* HUD requires that all grantees adhere to core values and ethical business practices, as described in Section II (B)(2) of the General Section of the SuperNOFA as a condition of the award.

(D) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD requires grantees to use small businesses, small disadvantaged businesses and women-owned businesses in conducting your work activities, if possible. Please refer to Section II (F) of the General Section of the SuperNOFA for specific requirements.

(E) *Forms, Certifications and Assurances.* You, the applicant, are required to submit signed copies of the standard forms, certifications and assurances included in the Appendix of this NOFA signed by the managing officer of your organization.

(F) *Environmental Review.* Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this part, in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or that proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties (including establishing lines of credit that permit financing of such activities or making commitments for loans that would finance such activities from a revolving loan fund capitalized by funds under this NOFA) prior to HUD approval of specific properties or areas. Each application must contain an assurance that you, the applicant, will assist HUD to comply with part 50; will supply HUD with all available, relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, grantees are to use the same guidance as provided in the Notice CPD–99–01, entitled ''Field Environmental Processing for HUD Colonias Initiative (HCI) grants'' issued January 27, 1999.

(G) Conflicts of Interest. Consultants and experts assisting HUD in rating and ranking applicants for funding under this NOFA are subject to 18 U.S.C. 208. Refer to Section II (K) of the General Section of the SuperNOFA.

(H) Grant Amounts. In the event, you, the applicant, are awarded a grant that has been reduced (e.g. the application contained some activities that were ineligible or budget information did not support the request), you will be required to modify your project plans and application to conform to the terms of HUD's approval before execution of the grant agreement. HUD reserves the right to reduce or de-obligate the award if approvable modifications to the proposed project are not submitted by the awardee in the required amounts in a timely manner. Any modifications must be within the scope of the original application. HUD reserves the right not to make awards under this NOFA.

(I) Grant Period. Recipients will have 36 months from the date of the executed grant agreement to complete all project activities. .

(J) Lead-Based Paint Hazard Control. All property assisted under the Rural Housing and Economic Development program is covered by the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and HUD's implementing regulations at 24 CFR part 35.

(K) Adjustments to Funding. In addition to the items identified under Section III (E) of the General Section of the SuperNOFA, HUD:

(1) reserves the right to utilize this year's funding to fund previous year's errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds in both categories.

(2) If after all eligible applicants have been selected for funding in Category 2 and funds remain, the remaining funds will be allocated to Category 1 to fund additional eligible applications in that category. If a balance of funds remain, HUD reserves the right to utilize those funds toward the following year's competetion.

V. Policy Priorities

You should document the extent to which HUD's policy priorities are furthered by the proposed activities. Applicants that include activities that can result in the achievement of these Departmental policy priorities as described below and in Section VI of the General Section of this SuperNOFA will receive higher rating points in evaluating your application for funding. Four Departmental policy priorities are listed below. You will receive 1 rating point for each priority addressed in your program of activities and associated with performance measurements and your management plan under Rating Factor 3, described in Section VI of this program NOFA. Such priorities include:

(1) Increasing homeownership for low- and moderate-income persons, persons with disabilities and the elderly, and minorities and families where English may be a second language.

(2) Encouraging visitability in new construction and substantial rehabilitation activities, allowing a person with mobility impairments access into a home, but not requiring that all features be made accessible. A visitable home also serves persons without disabilities, such as a person pushing a stroller or delivering a large appliance. Encouraging universal design, simplifying life for everyone by

making products, communications and the built environment more usable by as many people at little or no extra cost. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible at little or not extra cost.

(3) Improving computer access, literacy, and employment opportunities, by providing access to computers to low- and moderate-income adults and children who do not have access and therefore may be disadvantaged with respect to education, work and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks and 20/20 Education communities in their programs.

(4) Increasing economic mobility choices for rural residents. HUD wants to improve the quality of life for rural residents by providing more residents a chance to move into homeownership opportunities or to provide a community with greater housing choices.

VI. Application Selection Process

(A) *Rating and Ranking.*

(1) *General.* To review and rate applications, HUD may establish panels including outside experts or consultants to obtain certain expertise and outside points of view, including views from other Federal agencies.

(2) *Rating.* All applicants for funding will be evaluated against the criteria below. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; timely use of funds received either from HUD or other Federal, State or local programs; meeting performance targets for completion of activities and number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, HUD will deduct points from rating scores as specified under Rating Factor 1, Capacity of the Applicant and Relevant Organizational Experience, described in this Section below.

(3) *Ranking.* Applicants will be ranked separately within each of the two funding categories. Applicants will be selected for funding in accordance with their rank order in each category. An application must receive a minimum score of 70 points to be eligible for funding. If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, the applications(s) with the highest score for Rating Factor 2 (Need and Extent of the Problem) shall be selected. If applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined, Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 5 (Coordination, Self-Sufficiency, and Sustainability) and Rating Factor 4 (Leveraging Resources). To be eligible for funding in the Innovative category, an application must have a minimum score of 30 points for the total combined number of points for Rating Factors 1 and 3. To be eligible for funding in the Capacity Building category, an application must have a minimum score of 25 points for Rating Factor 3.

(B) *Initial screening.* During the period immediately following the application deadline, HUD will screen each application to determine eligibility. Applications will be rejected if they:

(1) Are submitted by ineligible applicants (including applicants that do not meet the threshold requirements described in Section II(B) of the General Section of the SuperNOFA);

(2) Do not serve an eligible rural area;

(3) Do not meet the objectives of the RHED program;

(4) Propose a program for which significant activities are ineligible.

(C) *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

(D) *Notification of Approval and Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's preliminary approval, subject to negotiation and execution of the grant agreement by HUD.

(E) *Applicant Debriefing.* Any applicant can obtain a debriefing of their application. Please refer to Section VII (E) of the General Section of the SuperNOFA for details on the conditions and timeframes for requesting a debriefing. In addition, applicants requesting a debriefing must send a written request to Ms. Jackie W. Mitchell, Director, Office of Rural Housing and Economic Development (RHED), at the address listed in Section I of this NOFA under ''For Further Information and Technical Assistance.''

Rating Factor 1—Capacity of the Applicant and Relevant Organizational Experience (15 points)

This rating factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed work plan as further described in Rating Factor 3 in a timely manner within the 36 month award period.

Rating standards applicable to individual funding categories. The two funding categories have different objectives. Accordingly, in addition to the generally applicable rating standard discussed above, different standards as discussed below will be used to judge the experience and qualifications of the applicants for each of the two funding categories. HUD fully supports emerging organizations who desire to develop internal capacity. Therefore, the following categories will be evaluated:

(1) *For Capacity Building applications.* (15 points) *Team members, composition, experience, organizational structure and management capacity.* Your response to this subfactor should clearly state the need which your organization is to address through the request for assistance. In addition, you should describe how the enhanced capacity realized through the assistance will fulfill that need. HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and project partners to implement all of the work activities in your workplan as they relate to innovative housing and economic development activities. In evaluating your capacity to do the work, HUD will assess the recentness and relevancy of the prior work experience of each of the parties listed above to execute the prescribed activities; the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In responding to this sub-factor, please indicate how the capacity

building assistance will strengthen or otherwise impact your organization's current housing or economic development program portfolio, or if you are a new grantee, how will the capacity assistance ensure that you can carry out your proposed activities. In judging your response to this factor, HUD will only consider work experience gained within the last 3 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(2) *For Support for Innovative Rural Housing and Economic Development Activities applications.*

(a) (5 points) *Team members, composition, and experience*. HUD will evaluate the experience of your project director, core staff, any outside consultants, contractors, subrecipients, and project partners to implement all of the work activities in your workplan. In evaluating your capacity to do the work, HUD will assess the recentness and relevancy of the prior work experience of each of the parties listed above, to execute the prescribed activities; the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, that consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In judging your response to this factor, HUD will only consider work experience gained within the last 7 years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work undertaken by the employee or contractor under your proposed RHED application. The more recent, relevant, and successful the experience is of your team members in relationship to the workplan activities, the greater the number of points that you will receive.

(b) (5 points) *Organizational structure and management capacity.* HUD will evaluate the extent to which you can demonstrate your organization's ability to manage a workforce composed of full time and/or part-time staff as well as any consultant staff and your ability to work with community-based groups or organizations in resolving issues related to affordable housing and economic development. In evaluating this sub-factor, HUD will take into account your experience in working with community-based organizations to design and implement programs which address the identified housing and economic development issues. The more recent, relevant, and successful the experience is of your organization and any participating entities, the greater the number of points that you will receive.

(c) (5 points) *Experience with performance based funding requirements.* HUD will evaluate your experience in producing timely products and reports in any previous grant programs undertaken with HUD funds or other Federal, state, local or non-profit or for-profit organization funds. In assessing points for this sub-factor, HUD reserves the right to take into account your past performance in meeting performance and reporting goals on any previous HUD awards. HUD will deduct one point for each of the following activities related to previous HUD grant programs for which unsatisfactory performance has been verified and related to: (1) Managing funds, including the ability to account for funds appropriately; (2) timely use of funds received either from HUD or other Federal, State, or local programs; and (3) significant and consistent failure to met performance targets. Among the specific outcomes to be measured are the number of jobs created or retained the number of people trained, the number of housing units rehabilitated or constructed and made available for low- and moderate-income persons, or other relevant objective performance measures related to your previous job experience and/or grant programs. Applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will receive higher points for this sub-factor.

Rating Factor 2—Need and Extent of the Problem (25 Points)

The Rural Housing and Economic Development program has been designed to address the problems of rural poverty, inadequate housing and lack of economic opportunity. This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared, vis-à-vis, the target area, and national data.

(1) In applying this Factor, HUD will compare current levels of need in the area (i.e. Census Tract(s) or Block Groups), immediately surrounding the project site or the target area to be served by the proposed project and in the national level of need. This means that an application that provides data that show levels of need in the project area expressed as a percent greater than the national average, will be rated higher under this Factor. Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Need Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

(2) Applicants should provide data that address indicators of need as follows:

(a) *Poverty Rate* (5 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percents) for the target area(s). An application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Less than the national average = 0 points;

(ii) Equal to but less than twice the national average = 1 points;

(iii) Twice but less than three times the national average = 3 points;

(iv) Three or more times the national average = 5 points.

(b) *Unemployment* (5 points)—for the target area:

(i) Less than the national average = 0 points;

(ii) Equal to but less than twice the national average = 1 points;

(iii) Twice but less than three times the national average = 2 points;

(iv) Three but less than four times the national average = 3 points;

(v) Four but less than five times the national average = 4 points;

(vi) Five or more times the national average = 5 points.

(c) *Other indicators of social and/or economic decline that best capture the applicant's local situation* (5 points)—Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the

target area, local crime statistics, etc. To the extent that the applicant's statewide or local Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy identify the level of distress in the community and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor.

(3) In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants for the project site. This data includes the use of U.S. Census data or information received from USDA.

(a) HUD requires use of sound and reliable data (e.g., U.S. Census data, State statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided.

(b) Updated Census data are available for the following indicators:

(i) Unemployment rate—estimated monthly for counties, with a two-month lag;

(ii) Population—estimated for incorporated places and counties, through 2000;

(c) Poverty rate—1990 data being the most recent available.

(d) *Demographics of Distress—Special Factors (10 points).* Because of the concern of HUD with meeting the needs of certain underserved areas, you will be awarded a total of ten points if you are located in or propose to serve one or more of the following populations, your application demonstrates that 100 percent of the beneficiaries supported by RHED funds are in one or more of the following populations. You must also specifically identify how each population will be served and that the proposed service area meets the definition of ''eligible rural area'' as described in Section III(A)(2) of this NOFA:

(i) Areas with very small populations in non-urban areas (2,500 population or less);

(ii) Seasonal farmworkers;

(iii) Federally recognized Indian Tribes;

(iv) Colonias;

(v) Appalachia's Distressed Counties; or

(vi) The Lower Mississippi Delta Region (8 States and 235 counties/parishes). For these underserved areas, you should ensure that the populations that you serve and the documentation that you provide is consistent with the information described in the above paragraphs under this rating factor.

Rating Factor 3—Soundness of Approach (40 Points)

This factor addresses the overall quality of your proposed workplan, taking into account the project and the activities proposed to be undertaken; the cost-effectiveness of your proposed program; and the linkages between identified needs, the purposes of this program and your proposed activities and tasks. In addition, this factor addresses your ability to ensure that a clear linkage exists between innovative rural housing and economic development. In assessing cost-effectiveness, HUD will take into account your staffing levels, beneficiaries to be served, a timetable for the achievement of program outcomes, the delivery of products and reports and any anticipated outcomes or products. You will receive a greater number of points if your workplan is consistent with the purpose of the RHED program, your program goals and the resources provided.

(a) (20 points) *Management Plan.* A clearly defined management plan which identifies each of the projects and activities you will carry out to further the objectives of this program; describes the linkage between rural housing and economic development activities; and addresses the needs identified in Factor 2, including needs that had been previously identified in a statewide or local Analysis of Impediments to Fair Housing Choice (AI) or Consolidated Plan. The populations that were described in Rating Factor 2 for the purpose of documenting need should be the same populations which will receive the primary benefit of the activities, both immediately and longterm. The benefits should be affirmatively marketed to those populations least likely to apply for and receive these benefits without such marketing. Your timetable should address the measurable goals and objectives to be achieved through the proposed activities; the method you will use for evaluating and monitoring program progress with respect to those activities and the method you will use to ensure that the activities will be completed on time and within your proposed budget estimates. Applicants that have a clearly defined management plan and which can produce results in less than 36 months will receive higher rating points for this sub-factor. Your management plan should also include the budget for your program, broken out for each line item. Documented projected cost estimates from outside sources are also required. Applicants should submit their workplan on a spreadsheet showing each project, to be undertaken and the tasks (to the extent necessary or appropriate) in your workplan to implement the project with your associated budget estimate per activity/task. Your workplan should provide the rationale for your proposed activities and any assumptions used in determining your project timeline and budget estimates. Failure to provide your rationale may result in an application receiving fewer points for lack of clarity in the proposed management plan. Applicants that propose as part of their workplan activities that address and support HUD's policy priority areas as outlined in Section (V) of this NOFA will receive one rating point for each of the policy priorities described under this sub-factor.

(b) (15 points) *Expected Outcomes.* HUD encourages applicants to include in their workplans, program measures to ensure that goals established in your application can be accounted for and independently assessed to ensure that performance measures have been met. HUD will be assessing outcomes resulting from your proposed workplan for the likelihood it will result in measurable and achievable outcomes that will alleviate or address the needs described in Rating Factor 2 and that those outcomes can and will be sustained beyond the grant period, without further assistance from HUD. You must include in this sub-factor a qualitative or quantitative description of estimated outcomes in order to receive points for this sub-factor. Outcomes may be described in terms of the estimated number of new units constructed or units rehabilitated; jobs retained or created; loans financed; individuals trained, counseled or assisted; and/or number of persons on welfare or under-employed trained in a career path or apprenticeship program.

The exact nature of the expected outcomes will vary according to your proposed workplan. Applicants that propose activities to increase their capacity to carry out innovative rural housing and economic development activities should include among their projected outcomes performance measures for maintaining the financial health and integrity of the organization. Applicants that can demonstrate clearly identified outcomes and the means for ensuring that outcomes will be tracked and are likely to be achieved will receive a greater number of points under this sub-factor.

(c) (5 points) *Self-monitoring and Program Evaluation.* Your workplan will be evaluated to ensure that you have a mechanism for monitoring and self-assessing your progress in meeting program goals and objectives, ensuring that the integrity of the use of funds is in accordance with OMB Cost Principles and record-keeping requirements and the approved program budget. Applicants that clearly define roles and responsibilities and steps to be taken to meet this requirement will receive a greater number of rating points in the evaluation. Therefore, your workplan should describe and identify the specific steps that you will take to carry out a self-monitoring function that meets these requirements.

Rating Factor 4—Leveraging Resources (10 Points)

This factor addresses the extent to which applicants for any of the two funding categories have obtained firm commitments of financial or in-kind resources from other Federal, State, local, and private sources. For every RHED dollar anticipated, you should provide the specific amount of dollars leveraged. In assigning points for this criterion, HUD will consider the level of outside resources obtained for cash or in-kind services that support activities proposed in your application. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds compared to the requested RHED grant. This criterion is applicable to both funding categories under this NOFA. The level of outside resources for which commitments are obtained will be evaluated based on their importance to the total program. You must provide evidence of leveraging by including in the application letters of firm commitment to participate from any entity, including your own organization, that will be providing matching funds to the project. Each commitment described in the narrative of this factor must be in accordance with the definition of ''firm commitment'' as defined in Section III(A)(2) of this NOFA.

Rating Factor 5—Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve, how well your program outcomes result in increased independence and empowerment to your beneficiaries, and your organization's ability to becoming financially self-sustaining into the future absent any HUD funding.

This factor consists of three elements:

(1) Coordination of activities (4 points). The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other ongoing activities in your service area, the more points you will receive.

(2) Self-Sufficiency (3 points). The extent to which your application implements practical solutions within the grant term that result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved living environments which are free from environmental hazards such as lead hazards, brownfields, overcrowded housing, etc. Applicants that clearly describe the extent to which proposed activities result in increased independence and empowerment for their beneficiaries will receive higher points in this sub-factor.

(3) Sustainability (3 points). The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on RHED funding and relying more on state, local, and private funding so your activities can be continued after your grant award is complete. Applicants that demonstrate a reduced dependence on RHED funds over the life of their award will receive a greater number of rating points for this sub-factor.

RC/EZ/EC Bonus Points (2 points)

HUD will award two bonus points to all applications that include documentation stating that the proposed eligible activities/projects will be located in and serve Federally designated Rural Renewal Communities, Rural Empowerment Zones or Enterprise Communities (Rural EZs/ECs). A listing of Federally designated Rural RCs, EZs and ECs is available on the Internet at http://www.hud.gov.

VII. Application Submission Requirements

(A) *Form of Application.* All pages of the application shall be numbered sequentially. Your application must include an original and two copies of the items listed below.

(B) *Application Items.* Your application must contain the items listed in this section. These items include the standard forms and non-standard certifications that can be found in the Appendices to this program section of the SuperNOFA. The items are as follows:

(1) A transmittal letter;

(2) A table of contents;

(3) A signed SF–424 (application form);

(4) A budget for all funds (Federal and Non-Federal) and a breakdown of all Federal funds requested, in the format provided in Appendix A of this NOFA;

(5) Documentation of funds pledged in support of Rating Factor 4—''Leveraging Resources'' (which will not be counted in the 15 page limitation);

(6) The required certifications (signed, as appropriate, and attached as an Appendix);

(7) Acknowledgment of the Application Receipt form (submitted with application and returned to you as verification of timely receipt).

(8) If you are a private nonprofit organization, a copy of your organization's IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1986, as amended.

(9) The attached forms specifying:

(a) Which category of funds, as described in Section II(C), you are applying for.

(b) Which of the five definitions of the term ''rural area'' set forth in Section III(A)(2) of this NOFA applies to the proposed service area and accompanying documentation as indicated on the form; and

(10) The Environmental Review Assurance.

(11) Narrative Response to Factors for Award

(a) You must describe your organization and the assignment of responsibilities for the work to be carried out under the grant (Rating Factor 1).

(b) You must describe the need and extent of the problem and populations to be served (Rating Factor 2).

(c) You must submit a workplan which describes your soundness of approach and the clear linkage between rural housing and economic development (Rating Factor 3). In addressing this submission requirement, you must:

(i) Describe the activities you propose to undertake to address the needs which have been identified, the linkage between rural housing and economic development, and describe the specific outcomes you expect to achieve.

(ii) Include a management plan which identifies the specific actions you will

take to complete the proposed activities on time and a budget in the format provided which explains the uses of both Federal and non-Federal funds and the period of performance under the grant.

(iii) Include a discussion of the process by which the work accomplished with the grant will be evaluated to determine if the objectives of the grant were met.

(d) You must identify the resources which will be leveraged by the amount of this grant's funding that you are requesting. (Rating Factor 4). To receive the maximum number of points under Rating Factor 4 you must provide evidence of firm commitments. The commitment can be contingent upon HUD site approval following environmental review.

(e) You must describe the extent to which your program reflects a coordinated, community based process of identifying needs and building a system to address these needs, providing program beneficiaries outcomes resulting in increased independence and empowerment, and the potential for your organization to become financially self-sustaining.(Rating Factor 5).

The total narrative response to all factors should not exceed 15 pages and must be submitted on 8.5'' by 11'' paper, using a 12 point font size, with lines double spaced and printed only on one side. Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider or review the information on any excess pages, which may result in a lower score or failure to meet a threshold.

VIII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any eligibility or selection factors. Examples of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. Applicants must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 5 calendar days of the date of receipt of the HUD notification. If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding.

Catalog of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance number is: 14.250

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 Pub.L. 107–73, approved November 26, 2001).

Appendix A

The standard and non-standard forms that follow are required for your RHED application.

BILLING CODE 4210–32–C

Appendix A

Checklist of Forms and Certifications

Page Number

- ☐ Transmittal Letter
- ☐ Checklist and Submission Table of Contents
- ☐ Standard Form for Application for Federal Assistance (SF-424)
- ☐ Federal Assistance Funding Matrix (HUD-424-M)
- ☐ Assurances - Non-Construction Program (SF-424-B)
- ☐ Assurances - Construction Program (SF-424-D)
- ☐ Statement of Work, including summary and responses to factors for award
- ☐ Budget in support of Rating Factor 3 (HUD-424-CB)
- ☐ Documentation of Funds/In-Kind Services pledged in support of Rating Factor 4
- ☐ Required Certifications (signed)
  - ☐ Certification for a Drug-Free Workplace (HUD-50070)
  - ☐ Certification of Payments to Influence Federal Transac tions (HUD-50071) (see 24 CFR part 87, Appendix A)
  - ☐ Disclosure of Lobbying Activities (SF-LLL) (If required, see 24 CFR part 87, Appendix B)
  - ☐ Applicant/Recipient Disclosure/Update Report (HUD-2880)
  - ☐ Certification Regarding Debarment and Suspension (HUD-2992)
  - ☐ Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990)

- [ ] Acknowledgment of Application Receipt (HUD-2993) (to be returned to applicant)
- [ ] For nonprofit organizations, a copy of the IRS ruling providing tax-exempt status under section 501 of the IRS Code of 1996, as amended
- [ ] Documentation that area served is rural area, as defined in this NOFA
- [ ] The Environmental Review Assurance
- [ ] Client Comments and Suggestions (HUD-2994)

Environmental Review Assurances

The award of funds under this program is subject to the environmental review requirements of 24 CFR part 50. These requirements only apply to grant-funded projects fully or partially funded by HUD, undertaken by grantees and all tiers of subgrantees and subcontractors.

When a project is limited to activities described in 24 CFR 50.19, it does not require an environmental review. All other activities (for example, acquisition of real property, construction and alteration) are subject to an environmental review. Since the approval of the initial grants in this program must occur prior to the identification of properties to be treated, as is provided for in 24 CFR 50.3(h), the applicant hereby agrees that it will assist HUD to comply with 24 CFR part 50, and that the applicant shall:

1. Advise HUD of all projects requiring a review under 24 CFR part 50 prior to their approval and supply HUD with all available and relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50;

2. Carry out mitigating measures required by HUD or select an alternate property or project;

3. Not acquire, rehabilitate, convert, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities on a HUD-assisted project until HUD has completed an environmental review to the extent required under 24 CFR 50 and has given notification of its approval in accordance with 24 CFR 50.3(h)(3); and

4. Include the above requirements in all subgrants and subcontracts.

Signature of Authorized Certifying Official X	Applicant
Title	Date

form HUD-40076-RHED (02/11/2002)

APPENDIX B

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Alabama		
Hale	63%	14.3%
Macon	49%	8.8%
Pickens	58%	10.0%
Georgia		
Elbert	50%	6.5%
Kentucky		
Adair	43%	6.9%
Bath	51%	10.5%
Bell	52%	8.8%
Breathitt	58%	19.8%
Carter	45%	9.0%
Casey	44%	13.2%
Clay	65%	15.6%
Clinton	55%	11.2%
Cumberland	49%	8.6%
Elliott	66%	15.5%
Estill	45%	12.3%
Floyd	44%	6.1%
Green	49%	5.0%
Harlan	66%	9.0%
Jackson	65%	14.8%
Johnson	41%	7.0%
Knott	59%	10.8%
Knox	66%	10.2%
Lawrence	52%	11.0%
Lee	63%	15.3%
Leslie	50%	14.0%
Letcher	58%	8.9%
Lewis	45%	13.7%
Lincoln	45%	9.9%
McCreary	59%	13.4%
Magoffin	69%	11.0%
Martin	63%	7.1%
Menifee	51%	8.4%
Monroe	45%	8.3%
Morgan	51%	9.8%
Owsley	80%	17.7%
Perry	52%	10.7%
Pike	41%	4.6%
Powell	50%	10.9%
Rockcastle	49%	11.5%

Housing Affordability and Quality Indicators for Appalachian Regional Commission -Designated Distressed Counties

State/County	Estimated % of Renters Unable to Afford 2BR FMR[1]	Estimated % of Substandard Housing Units[2]
Johnson	48%	7.3%
Meigs	48%	8.0%
Pickett	55%	7.4%
Scott	47%	8.7%
Virginia		
Buchanan	49%	6.7%
Dickenson	62%	8.0%
Lee	53%	10.4%
Russell	50%	6.3%
Wise	53%	5.7%
West Virginia		
Barbour	55%	6.1%
Boone	53%	4.1%
Braxton	48%	8.1%
Calhoun	66%	12.0%
Clay	52%	10.2%
Fayette	44%	5.1%
Gilmer	55%	9.8%
Lewis	49%	4.8%
Lincoln	63%	9.8%
Logan	45%	5.0%
McDowell	68%	8.5%
Mason	43%	5.8%
Mingo	58%	6.6%
Nicholas	55%	5.3%
Pocahontas	45%	7.5%
Raleigh	49%	3.3%
Randolph	45%	5.0%
Ritchie	48%	6.3%
Roane	48%	8.6%
Summers	55%	7.9%
Taylor	49%	4.0%
Upshur	49%	5.6%
Webster	59%	10.2%
Wetzel	43%	5.5%
Wirt	64%	13.5%
Wyoming	58%	5.8%
Mean County-level Indicators	52%	8.7%

APPENDIX C

LOWER MISSISSIPPI DELTA COUNTIES AND PARISHES

ARKANSAS	ILLINOIS	KENTUCKY	LOUISIANA	MISSISSIPPI	MISSOURI	TENNESSEE
Arkansas	Alexander	Ballard	Acadia	Adams	Bollinger	Benton
Ashley	Franklin	Caldwell	Allen	Amite	Butler	Carroll
Baxter	Gallatin	Calloway	Ascension	Attala	Cape Girardeau	Chester
Bradley	Hamilton	Carlisle	Assumption	Benton	Carter	Crockett
Calhoun	Hardin	Christian	Avoyelles	Bolivar	Crawford	Decatur
Chicot	Jackson	Crittenden	Caldwell	Carroll	Dent	Dyer
Clay	Johnson	Fulton	Catahoula	Clairborne	Douglas	Fayette
Cleveland	Massac	Graves	Concordia	Coahoma	Dunkin	Gibson
Craighead	Perry	Henderson	East Baton Rouge	Copiah	Howell	Hardeman
Crittenden	Pope	Hickman	East Carroll	Covington	Iron	Hardin
Cross	Pulaski	Hopkins	East Feliciana	DeSoto	Madison	Haywood
Dallas	Randolph	Livingston	Evangeline	Franklin	Mississippi	Henderson
Desha	Saline	Lyon	Franklin	Grenada	New Madrid	Henry
Drew	Union	Marshall	Grant	Hinds	Oregon	Lake
Fulton	White	McCracken	Iberia	Holmes	Ozark	Lauderdale
Grant	Williamson	McLean	Iberville	Humphreys	Pemiscott	McNairy
Greene		Muhlenberg	Jackson	Issaquena	Perry	Madison
Independence	**TOTAL**	Todd	Jefferson	Jefferson	Phelps	Obion
Izard	**COUNTIES**	Trigg	Lafourche	Jefferson Davis	Reynolds	Shelby
Jackson		Union	LaSalle	Lafayette	Ripley	Tipton
Jefferson	**16**	Webster	Lincoln	Lawrence	St. Genevieve	Weakley
Lawrence		**TOTAL**	Livingston	Leflore	St. Francois	
Lee	**ALABAMA**	**COUNTIES**	Madison	Lincoln	Scott	**TOTAL**
Lincoln	Barbour		Morehouse	Madison	Shannon	**COUNTIES**
Lonoke	Bullock	**21**	Orleans	Marion	Stoddard	**21**
Marion	Choctaw		Ouachita	Marshall	Texas	
Mississippi	Clarke		Pointe Coupee	Montgomery	Washington	
Monroe	Dallas		Plaquemines	Panola	Wayne	
Ouachita	Greene		Rapides	Pike	Wright	
Phillips	Hale		Richland	Quitman		
Poinsett	Lowndes		St. Bernard	Rankin	**TOTAL**	
Prairie	Macon		St. Charles	Sharkey	**COUNTIES**	
Pulaski	Marengo		St. Helena	Simpson	**29**	**GRAND**
Randolph	Perry		St. James	Sunflower		**TOTAL**
St. Francis	Pickens		St. John the	Tallahatchie		
Searcy	Russell		Baptist	Tate		**235**
Sharp	Sumter		St. Landry	Tippah		
Stone	Washington		St. Martin	Tunica		
Union	Wilcox		Tangipahoa	Union		
Van Buren			Tensas	Walthall		
White			Union	Warren		
Woodruff	**TOTAL**		Washington	Washington		
	COUNTIES		West Baton Rouge	Wilkinson		
TOTAL	**16**		West Carroll	Yalobusha		
COUNTIES			West Feliciana	Yazoo		
			Winn			
			TOTAL			
42			**PARISHES**			
			45	**TOTAL**		
				COUNTIES		
				45		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM

PROGRAM OVERVIEW

Purpose of Program. The purpose of the Public Housing Resident Opportunities and Self Sufficiency (ROSS) Program is to link services to public and Indian housing residents by providing grants for supportive services, resident empowerment activities and activities to assist residents in becoming economically self-sufficient.

Available Funds. A total of $80.1 million; approximately $70 million from FY 2002 funds and $10.1 million in carryover funding.

Eligible Applicants. Public Housing Agencies (PHAs), resident management corporations (RMCs), resident councils (RCs), resident organizations (ROs), Intermediary Resident Organizations (IROs), City-Wide Resident Organizations (CWROs) and nonprofit entities supported by residents. Indian tribes (tribes) and tribally designated housing entities (TDHEs) are eligible for grants under the Resident Management and Business Development (RMBD), Capacity Building (CB), and Resident Service Delivery Models (RSDM) funding categories. Tribes and TDHEs are not eligible for grants as part of Neighborhood Networks, Homeownership Supportive Services and renewal of public housing service coordinator funding categories.

Application Deadline for ROSS Funding Categories.

May 14, 2002 for Resident Management and Business Development;

May 14 2002 for Capacity Building;

June 18, 2002 for Resident Service Delivery Models;

July 10, 2002 for Homeownership Supportive Services;

July 10, 2002 for Neighborhood Networks Centers; and

May 14, 2002 for Public Housing Service Coordinator.

Match. At least 25 percent of the grant amount is required as the grant match. This match does not have to be a cash match. The match can be in-kind and/or cash contributions.

ADDITIONAL INFORMATION

If you are interested in applying for funding under any of these programs, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance.

Application Due Date. Your completed application (one original and two copies is due on or before 12:00 midnight, Eastern time, on the following application due dates to HUD Headquarters at the address shown below.

May 14, 2002 for Resident Management and Business Development;

May 14, 2002 for Capacity Building;

June 18, 2002 for Resident Service Delivery Models;

July 10, 2002 for Homeownership and Supportive Services;

July 10, 2002 for Neighborhood Networks Centers; and

May 14, 2002 for Renewal of Public Housing Service Coordinator grants.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail application, express mail, overnight delivery, or hand-carried).

New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applicants must comply with the procedures included in the General Section of the SuperNOFA.

Address for Submitting Applications. You must submit your completed ROSS Program application (the original and two copies) to the Grants Management Center (GMC), 501 School Street, SW., Suite 800, Washington, DC 20024, by mail using the United States Postal Service (USPS) or it may be delivered only via the following four carrier services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 am and 5:30 pm Eastern Standard Time, Monday to Friday. If these companies do not service your area, you must submit your application via the United States Postal Service. All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date.

In the case of tribes/TDHEs, please submit your completed application (the original and two copies) to Denver Program Office of Native American Programs (DPONAP), 1999 Broadway, Suite 3390, Denver, CO 80202, by mail using the United States Postal Service (USPS) or it may be delivered only via the following four carrier services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. Delivery by these services must be made during HUD's business hours, between 8:30 am and 5:30 pm Eastern Standard Time (or Mountain Standard Time for Tribes/TDHEs), Monday to Friday. If these companies do not service your area, you must submit your application via the United States Postal Service. All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date.

For Application Kits. For an application kit and any supplemental material, please call the SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the ROSS Program, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at *http://www.hud.gov/grants.*

For Further Information and Technical Assistance. You may contact the local HUD field office or you may call the Public and Indian Housing Information and Resource Center at 1–800–955–2232. In the case of tribes/TDHEs, please contact the Local Area DPONAP or Carol Quinlan, DPONAP, Denver Program Office at 1–800–561–5913 or (303) 675–1600 (this is not a toll free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

(A) *Total Amount.* A total amount of $80.1 million is allocated for this NOFA. This amount is comprised of $70 million from the FY 2002 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 2001, and $10.1 million in carryover funding. For FY 2002, approximately $55 million is available for the Resident Opportunities and Self Sufficiency Program under Section 34 of the U.S. Housing Act of 1937, and $15 million is available from the Public Housing Capital Fund for Neighborhood Networks in public housing developments. The $10.1 million in carryover funding is composed of approximately $8.2 million from FY 1998 and FY 1999 carryover funding is being used from the Public Housing

Capital Fund, and an additional $1.9 million is carried over from the FY 2000 Community Development Block Grant fund. The $8.2 million is composed of approximately $2.6 million from the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 1998 and approximately $5.6 million from the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 1999.

(B) *Allocation.* To the extent that there are a sufficient number of qualified applications, not less than 25 percent of funds available for ROSS shall be provided directly to Resident councils (RCs), Resident Organizations (ROs), Resident Management Corporations (RMCs), Intermediary Resident Organizations (IROs), tribes/TDHEs on behalf of tribal residents and City-Wide Resident Organizations (CWROs). This requirement will be implemented by the awards made to resident organizations for the Resident Management and Business Development, Capacity Building, and the Resident Service Delivery Models funding categories.

(C) *Funding Categories and Funds Allocated to Each Category.* The funding categories under ROSS and the amount allocated for each funding category are as follows:

(1) *Resident Management and Business Development (RMBD).* A total of $6 million is allocated for this funding category.

(i) Grants will be made directly to site-basedRAs/ROs, RMCs, CWROs, and to tribal ROs, tribal RMCs, tribes/TDHEs that partner with tribal ROs and tribal RMCs to: increase resident involvement and participation in their housing developments; develop resident management opportunities; provide resident-led business or cooperative development opportunities; and obtain necessary supportive services for self-sufficiency.

(ii) The maximum grant award for this funding category is $100,000 per applicant.

(2) *Capacity Building (CB).* A total of $5 million is allocated for this funding category, described below:

(i) CB grants will be made to Intermediary Resident Organizations (IROs), tribes/TDHEs on behalf of tribal housing residents, tribal ROs, tribal RMCs, and non-profits which operate associations and networks that administer programs benefiting resident organizations. These grants provide assistance to site-based resident associations who do not yet have the capacity to administer a welfare-to-work program or conduct management activities.

(ii) You may apply for funding that will be used to assist public and tribal housing residents in establishing a new resident organization or you may apply for funds to help or enhance the capacity of existing resident organizations to enable residents to participate in housing agency decision-making, manage all or a portion of their housing developments, and/or apply for and administer grants.

(iii) The maximum amounts for CB grants are: $100,000 for CWROs or tribes/TDHEs per applicant, and $240,000 per applicant for all other eligible applicants. Applicants are required to allocate at least two-thirds of the total grant to direct funding of CB activities for site-based RAs/ROs and/or tribal ROs. CWROs or tribes/TDHEs are required to serve a minimum of 3 RAs and/or tribal ROs. All other applicants are required to serve a minimum of 10 RAs and/or tribal ROs.

(3) *Resident Service Delivery Models (RSDM).* A total of $22.9 million is allocated for this category of funding. The Resident Service Delivery Models (RSDM) funding category provides grants to Public Housing Agencies (PHAs), tribes/TDHEs or directly to resident management corporations, resident councils, or resident organizations, and nonprofit entities supported by residents. There are two sub-categories of grants under this funding category: Family Grants for program-related activities and supportive services to establish and implement comprehensive programs that achieve resident self-sufficiency for families; and Elderly and Persons with Disabilities Grants for independent living for the elderly and persons with disabilities.

(a) RSDM Family sub-category.

(i) *Maximum grant amount.* For RSDM, the maximum grant amounts are as follows:

For PHAs applying for family grants, the maximum grant application award will be based on the number of occupied family conventional public housing units. Tribes/TDHEs applying for RSDM should refer to section III (e) of this NOFA for computation of units for the maximum grant amount.

(ii) For the RSDM family category, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $250,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $500,000.
—For PHAs with 7,301 or more occupied family units, the maximum grant award is $1,000,000.

(b) RSDM Elderly and persons with disabilities sub-category.

(i) Maximum grant amount. For the Elderly and Persons with Disabilities RSDM Category, PHAs must use the number of occupied elderly conventional public housing units to determine the maximum awards listed below:

— For 1 to 217 units occupied by elderly residents and persons with disabilities, the maximum grant award is $100,000.
— For 218 to 1,155 units occupied by elderly residents and persons with disabilities, the maximum grant award is $200,000.
— For 1,156 or more units occupied by elderly residents and persons with disabilities, the maximum grant award is $300,000.

(c) The maximum grant award is $100,000 for each RA.

(d) Nonprofit entities supported by residents or RAs/ROs are limited to $100,000 for each RA/RO. A non-profit may submit a single application for no more than three different RAs for a maximum grant award of $300,000.

(e) Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2001 as defined in 24 CFR 1000.316. Tribes who have not previously received funds from the Department under the 1937 Housing Act should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2001 for either family or elderly/disabled units.

(4) *Homeownership Supportive Services (HSS).* A total of $11.2 million is allocated for this funding category.

(i) This funding category provides grants for a targeted group of public housing residents who were beneficiaries of previously awarded ROSS grants, and public housing Family Self-Sufficiency participants funded through operating subsidy. This funding category recognizes the improved earning capacity of residents participating in self-sufficiency programs and provides the support necessary to achieve increased opportunities for homeownership for public housing residents through housing choice vouchers. Under this funding category, PHAs will receive grants for counseling and other supportive services to achieve

homeownership for public housing residents. PHAs will design and develop homeownership supportive services for public housing residents. These supportive services shall comprehensively address the needs identified by the PHA for public housing families to obtain homeownership.

(ii) Grants will be made to PHAs. Tribes/TDHEs are not eligible applicants for the HSS.

(iii) For the Homeownership Supportive Services grants, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $300,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $400,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $500,000.

(5) *Neighborhood Networks (NN).* A total of $15 million is allocated for this funding category. Of this funding, $12 million will provide grants to PHAs to establish and operate new Neighborhood Networks Centers for public housing residents; and $3 million will provide funding to update and expand existing computer technology centers to become Neighborhood Networks centers. Computer centers operating in public housing developments or planned for public housing developments will receive assistance to secure the necessary space, computer hardware, software and peripherals necessary to operate self-sustaining NN centers. Conversion to NN centers will be part of the proposed grant for existing and new computer centers.

(i) For new NN centers, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $150,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $250,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $450,000.

(ii) To update and expand new and existing technology centers, PHAs must use the number of occupied conventional family public housing units to determine the maximum grant amount in accordance with the categories listed below for families:

— For PHAs with 1 to 780 occupied family units, the maximum grant award is $50,000.
— For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $100,000.
— For PHAs with 7,301 or more occupied family units, the maximum grant award is $200,000.

(6) Service Coordinator Renewals. A total of $20 million is allocated for this funding category.

(i) The Service Coordinator Renewal category provides grants to PHAs to address the needs of public housing residents who are elderly and persons with disabilities. Service coordinators help residents obtain supportive services that are needed to maintain independent living. Only renewals of FY 1995 Public Housing Elderly and Persons with Disabilities Service Coordinator grants will be funded under this ROSS competition; no applications for new Service Coordinator grants will be accepted.

(ii) These funds may only be used as follows:

— Renewal of existing Service Coordinator (SC) grants from FY 1995. This limitation is imposed to achieve Congressional intent to renew all service coordinator and congregate services grants.
— For the Elderly and Persons with Disabilities Service Coordinators category, award amounts cannot be higher than your highest funding and staffing level for any one-year period that was approved for their last funded Service Coordinator Grant. An increase of up to 2 percent over this amount will be allowed if supported by a narrative justification.

(D) *Transfer of Funds.* Funds for Neighborhood Networks centers may not be transferred to any other funding category within this NOFA. If all funds are not awarded in the RMBD, CB, HSS, SC funding categories, funds will be transferred to the RSDM funding category in this competition.

(E) *Number of Applications Permitted.* PHAs applying for Service Coordinator Renewal grants under this program section of the SuperNOFA may apply for one renewal grant and three additional grants in the NN, HSS and RSDM funding categories. RO applicants may submit a total of two applications for RMBD and RSDM, but not more than one application in any one funding category. Nonprofit applicants may submit a total of two applications for CB and RSDM, but not more than one application in any one funding category under this ROSS competition. Please read each funding category carefully for additional limitations.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of ROSS is to assist residents to become economically self-sufficient by providing supportive services and resident empowerment activities. This program is consistent with the Department's goal to most effectively focus resources on ''welfare to work'' and on independent living for the elderly and persons with disabilities. HUD is looking for applications that implement practical solutions within the grant term, and result in improved economic self-sufficiency for public or Indian housing residents. HUD seeks holistic solutions that involve the support of the entire community in providing self-sufficiency opportunities for residents. Therefore, HUD encourages you to involve elderly and persons with disabilities in activities that support self-sufficiency, such as child-care, mentoring, or after school care. This philosophy should be reflected in your proposed grant activities for all funding categories within this ROSS competition. Current experience with welfare to work programs has shown that a single approach or program does not always result in residents reaching desired self-sufficiency goals. The ROSS program permits proposed grant activities, which will build on or expand previous self-sufficiency efforts. Within the scope of the ROSS Program, proposed grant activities may be directed toward building on the foundation created by previous ROSS grants or other federal, State and local self-sufficiency efforts. Proposed grant activities may enhance self-sufficiency by providing opportunities for increased earning capacity; use of tools to encourage economic capacity (such as Individual Development Accounts); and action on resident goals to move toward homeownership. A description of each of the funding categories was provided in Section II of this program section. This section describes the eligible applicants and eligible activities of each funding category.

(B) *Definitions.*

City-Wide Resident Organization consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in housing developments that are owned and operated by the same PHA within a city.

Community Facility means a non-dwelling structure that provides space for multiple supportive services for the benefit of public or Indian housing residents and others eligible for the services provided. Services that may include but are not limited to:

(1) Child care;

(2) After-school activities for youth;

(3) Job training;

(4) Twenty/20 Education Communities (TECs) (formerly Campus of Learners) activities; and

(5) English as a Second Language (ESL) classes.

Contract Administrator means an overall administrator and/or a financial management agent that oversees the financial aspects of a grant and assists in the entire implementation of the grant. A signed Contractor Administrator Partnership Agreement must be included in your application. This agreement may be contingent upon you receiving a grant award and adherence to PHA or tribe/TDHE procurement policies. The contract administrator must assure that the financial management system and procurement procedures fully comply with 24 CFR part 84. Contract Administrators may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDCs), churches, temples, synagogues, mosques; non-profits; State/Regional associations and organizations. Troubled PHAs are not eligible to be Contract Administrators.

Firmly Committed means that the amount of resources and their dedication to ROSS-funded activities must be explicit, in writing and signed by a person authorized to make the commitment or by a person who certifies the commitment is by an authorized body or person. This written agreement may be contingent upon receiving an award.

Elderly person means a person who is at least 62 years of age.

Jurisdiction-Wide Resident Organization means an incorporated nonprofit organization or association that meets the following requirements:

(1) Most of its activities are conducted within the jurisdiction of a single housing agency;

(2) There are no incorporated Resident Councils or Resident Management Corporations within the jurisdiction of the single housing agency;

(3) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(4) Public housing residents representing unincorporated Resident Councils within the jurisdiction of the single housing agency must comprise the majority of the board of directors.

Tribally Designated Housing Entity (TDHE) is an entity authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

Indian Tribe means any tribe, band, nation, or other organized group of a community of Indians, including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975.

Intermediary Resident Organizations means Jurisdiction-Wide Resident Organizations, City-Wide Resident Organizations, State-Wide Resident Organizations, Regional Resident Organizations, and National Resident Organizations.

National Resident Organization (NRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Person with disabilities means a person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

(3) Is determined to have a physical, mental, or emotional impairment which:

(a) Is expected to be of long-continued and indefinite duration;

(b) Substantially impedes his or her ability to live independently; and

(c) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving the overall grant goals and objectives.

Project is the same as ''low-income housing project'' as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act).

Resident Association (RA) means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), Jurisdiction-Wide Resident Organizations, and National Resident Organizations (NRO).

Resident Council (RC) means (as provided in 24 CFR 964.115) an incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the PHA/HUD, and be eligible to receive funds for RC activities and stipends for officers for their related costs for volunteer work in public housing. (Although 24 CFR part 964 defines an RC as an incorporated or unincorporated nonprofit organization, HUD requires RC applicants for ROSS grants to be registered with the State at the time of application submission.) The following also applies to resident councils:

(1) The RC must adopt written procedures such as by-laws, or a constitution, which provides for the election of residents to the governing board by the voting membership of the public housing residents. The elections must be held on a regular basis, but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression

of the voting membership's desire for a recall election, and set the percentage of voting membership that must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(2) The RC must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose names appear on a lease for the unit in the public housing that the resident council represents.

(3) The RC may represent residents residing in:

(a) Scattered site buildings in areas of contiguous row houses;

(b) One or more contiguous buildings;

(c) A development; or

(d) A combination of the buildings or developments described above.

Regional Resident Organization (RRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) The RRO is regional (i.e., not limited by HUD Areas);

(2) The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Resident Management Corporation (RMC) (see 24 CFR 964.7, 964.120) means an entity that consists of residents residing in public housing and must have each of the following characteristics in order to receive official recognition by the PHA and HUD:

(1) The RMC shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) The RMC may be established by more than one RC, so long as each such council:

(a) Approves the establishment of the corporation; and

(b) Has representation on the Board of Directors of the corporation.

(3) The RMC shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) The RMC's by-laws shall require the Board of Directors to include resident representatives of each RC involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall; and term limits if desired;

(5) The RMC's voting members shall be heads of households (any age) and other residents at least 18 years of age and whose names appear on the lease of a unit in public housing represented by the RMC;

(6) Where an RC already exists for the development, or a portion of the development, the RMC shall be approved by the RC board and a majority of the residents. If there is no RC, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) The RMC may serve as both the RMC and the RC, so long as the corporation meets the requirements of 24 CFR part 964 for an RC.

Resident Organization (RO) for tribal entities means an incorporated or nonprofit tribal organization or association that meets each of the following criteria:

(1) It shall consist of residents only, and only residents may vote;

(2) If it represents residents in more that one development or in all of the developments of the tribal/TDHE community, it shall fairly represent residents from each development that it represents;

(3) It shall adopt written procedures providing for the election of specific officers on a regular basis; and

(4) It shall have democratically elected a governing board. The voting membership of the board shall consist solely of the residents of the development or developments that the tribal RO represents.

Secretary means the Secretary of Housing and Urban Development.

Site-Based Resident Associations means Resident Councils and Resident Management Corporations.

Statewide Resident Organization (SRO) means a Site-Based incorporated nonprofit organization or association for public housing that meets the following requirements:

(1) The SRO is Statewide;

(2) The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the State must comprise the majority of the Board of Directors.

Tribal/TDHE Resident Group means tribal/TDHE resident groups that are democratically elected groups such as IHA-wide resident groups, area-wide resident groups, single development groups, or resident management corporations (RCMs).

(C) *Resident Management and Business Development (RMBD).* This funding category makes grants to establish and strengthen organizational capacity for site-based resident organizations that do not have the capacity to administer a welfare to work program or conduct management activities, conduct training or implement business development.

(1) *Eligible applicants.* Site-Based Resident Associations (RAs), tribes/TDHES, tribes/TDHEs that partner with tribal ROs or tribal RMCs and City-Wide Resident Organizations (CWROs). If you are an RA/RO that is a beneficiary or recipient of proposed grant activities by a CWRO/TDHE, then you cannot also apply under this category. You may only submit one application under this funding category.

(2) *Eligible participants.* Program participants must be residents of conventional public housing or Indian housing programs. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(3) *Eligible Activities.* Funding is limited to the following activities below:

(a) Training related to resident-owned business, cooperative development, resident property management and technical assistance for job training and placement in housing developments. Proposed grant activities may include but are not limited to: feasibility and market studies; development of business plans; outreach activities; and innovative financing methods including revolving loan funds and the development of credit unions; and legal advice in establishing a resident-managed business entity or cooperative.

(b) Establishing and funding revolving loan funds. Revolving loan funds cannot be used for acquisition, disposition, or physical development;

(c) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a development;

(d) Training residents with respect to fair housing requirements; and

(e) Gaining assistance in negotiating management contracts and designing a long-range planning system.

(f) Providing social support needs (such as self-sufficiency and youth initiatives) including:

(g) Feasibility studies to determine training and social services needs;

(h) Training in management-related trade skills, computer skills, and similar skills;

(i) Management-related employment training and counseling including job search assistance, job development assistance, job placement assistance, and follow up assistance;

(j) Supportive services including: child care services; educational services, remedial education, literacy training, ESL instruction, assistance in attaining a GED; vocational training including computer training; health care outreach and referral services; meal services for the elderly or persons with disabilities; personal assistance to maintain hygiene/appearance for the elderly or persons with disabilities; housekeeping assistance for the elderly or persons with disabilities; transportation services; congregate services for the elderly or persons with disabilities; and case management;

(k) Training for programs such as childcare, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(l) Training programs on health, nutrition, safety and substance abuse. Food costs that are directly attributable to the nutrition and health training are eligible grant expenditures. These are not food costs associated with entertainment.

(m) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, and goal planning. The workshops can be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire, and Big Brother/Big Sisters. Proposed activities may include training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations and resident councils or resident organizations on youth initiatives and program activities;

(n) Physical improvements to facilities at public or tribal housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities or modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; all renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA or tribal development to accommodate the provision of supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(4) *Ineligible Resident Management and Business Development Activities and Costs.*

(a) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel performed in connection with implementing the Work Plan. A travel budget limit of a maximum of $5,000 is allowed to support travel expenses. These travel expenses must directly pertain to travel related to work plan implementation.

(b) Purchase or rental of land.

(c) Activities not directly related to the welfare-to-work initiatives (*e.g.*, lead-based paint testing and abatement and operating capital for economic development activities).

(d) Purchase of any vehicle (car, van, bus, etc.).

(e) Payment of salaries for routine project operations, such as security and maintenance, or for applicant staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the Resident Management and Business Development grant activities or coordinate on-site social services.

(f) Payment of fees for lobbying services.

(g) Any expenditures that are fraudulent, wasteful or otherwise incurred contrary to HUD or OMB directives.

(h) Any cost otherwise eligible under this program section of the SuperNOFA for which funds are being provided from any other source.

(i) Entertainment equipment such as televisions, radios, stereos, and VCRs. An exception to this item may be granted by the HUD Field or DPONAP Office if funding is being utilized specifically for the purposes of establishing a business directly related to radio, television or film or some other form of technical communication, and equipment is being utilized for training of residents, ROs or RAs. All such exceptions must be authorized in writing by the HUD Field or DPONAP Office before purchases may be made.

(j) The cost of application preparation is not eligible.

(5) *Supporting Information.* The following information may be useful in developing proposed grant activities and costs:

(a) *Training.* Training activities may include training on HUD regulations and policies governing the operation of low-income public or Indian housing including contracting/procurement regulations; financial management; job and business development training; capacity building to develop the necessary skills to assume management responsibilities at the project and property management; and training in accessing other funding sources.

(b) *Hiring trainers or other experts.* Resident grantees must ensure that all training is provided by a qualified public housing or management specialist (Consultant/Trainer), HUD Headquarters, Field or DPONAP staff, or the local PHA or tribe /TDHE. A qualified trainer is one who has a high degree of working program knowledge. To ensure the successful implementation of the grant Work Plan activities, you are required to determine the need to contract for outside consulting/training services. You and the PHA or tribe/TDHE must jointly select and approve the consultant/trainer. Your application should make maximum use of your PHA, non-profit, or other Federal, State, or local government resources for technical assistance and training needs. The amount allowed for hiring an individual consultant for this purpose shall not

exceed 30 percent of your total grant amount or $30,000, whichever is less. The amount available for all consultants and contracts should not exceed 50 percent of your grant amount or $50,000, whichever is less. HUD Field or DPONAP Offices will monitor this process to ensure compliance with program and OMB requirements, and particularly the requirement for competitive bidding. You must use performance-based contracting, which requires that fees be paid in exchange for goods and services actually delivered. For example, a trainer would be paid for the number of residents that were trained, *i.e.*, performance, regardless of the maximum dollar amount quoted in the contract.

(c) *Stipends.* Trainees and program participants of an RA, RO or CWRO, may receive stipends for participating in or receiving training under Resident Management to cover reasonable costs related to participation in training and other activities in your program, subject to the availability of funds. The stipends should be used for additional costs incurred during the training programs, such as childcare and transportation costs. The cost of stipends may not exceed $200 per month per trainee without written HUD Field or DPONAP Office authorization.

(d) *Reimbursement of Reasonable Expenses.* Reimbursement of reasonable expenses incurred by Officers and Board members in the performance of their fiduciary duties and/or training related to the performance of their official duties.

(e) *Travel.* Travel directly related to the successful completion of your required Work Plan adhere to the travel policy that sets travel costs at a maximum amount of $5,000 per RA or RO without special HUD approval.

(f) *Child-Care Expenses.* Childcare expenses for individual staff, board members, or residents in cases where those who need child care are involved in training-related activities associated with your grant activities.

(g) *Costs incurred by a RA or RO in applying for 501(c) tax-exempt status with the Internal Revenue Service.* Please refer to the Internal Revenue Service (IRS) Publication 557, which describes the requirements for section 501(c) tax exempt organizations and list the applicable forms required.

(h) *Administrative costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 20 percent of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(i) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). If appropriate, you may also include rental or lease of a car, van, or bus by resident grantees to attend training. You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities;

(6) *Grant term.* The grant term for Resident Management and Business Development grants is thirty-six months from the execution date of your grant agreement.

(D) *Capacity Building.*

(1) *Eligible applicants.* (a) Intermediary Resident Organizations (IROs) on behalf of public or Indian housing residents, which include Public Housing Site-Based Resident Councils, Resident Organizations and Resident Management Corporations, may apply for Capacity Building (CB) grants. IROs include National Resident Organizations, Statewide Resident Organizations, Regional Resident Organizations, City-Wide Resident Organizations, and Jurisdiction-Wide Resident Organizations.

(b) Non-profits that operate as associations or networks that administer programs that benefit public or Indian housing resident organizations are also eligible for this funding category.

(2) Eligible activities. Eligible activities for CB grants may include, but are not limited to:

(a) Training for Resident Advisory Board Members and Resident representatives that serve on the PHA Board of Directors, and for resident Board members in community organizing, Board development, and leadership training;

(b) Assessing the feasibility of training existing resident groups for resident management or for a specific resident management project;

(c) Assisting in the creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter;

(d) Developing the management capabilities of existing resident organizations; and

(e) Determining the feasibility of homeownership by residents, including assessing the feasibility of other housing (including HUD-owned or held single or multi-family) affordable for purchase by residents.

(3) *Ineligible Activities.* Ineligible activities are the same as those listed in Section III(C)(4) of this program section of the SuperNOFA, above.

(a) In addition, physical development activities are not eligible for funding under CB grants.

(b) The cost of application preparation is not eligible.

(4) *Administrative costs* may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(5) *Grant term.* The grant term for Capacity Building grants is thirty-six months from the execution date of the grant agreement.

(E) *Resident Service Delivery Models (RSDM).*

(1) *Eligible Applicants.* (a) Family. This funding category provides grants to PHAs, tribes/TDHEs, resident management corporations, resident councils, resident organizations, and nonprofit entities supported by residents, to enable them to establish and implement comprehensive programs that assist residents in becoming self-sufficient.

(b) *Elderly and Persons with Disabilities.* PHAs, tribes/TDHEs and non-profits supported by a duly elected resident council are the only eligible applicants in providing supportive services for the elderly and persons with disabilities.

(c) IROs with 501(c) status may apply as non-profit entities under this funding category.

(2) *Number of RSDM Applications Permitted.*

(a) *General.* A PHA or tribe/TDHE must submit an application either for a family or an elderly grant. ROs or RCs must submit one application for a family grant; and non-profits may submit one application for a family or elderly grant representing up to three public or Indian housing resident groups.

(b) *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. All parties in a joint application (lead or non-lead) are considered to be applying for ROSS and are therefore subject to the limit of one ROSS application per applicant, with the exception of those Public Housing Service Coordinator renewal applicants that may also apply in one additional ROSS category. Both lead and non-lead applicants are subject to threshold requirements. Joint applications may include PHAs, RAs, IROs, Tribes/TDHEs, and nonprofit entities on behalf of resident organizations. Joint

applications must also provide evidence of resident support. The maximum funding for joint applications cannot exceed the sum of the individual grants as specified above. Any eligible applicant can serve as a lead applicant.

(3) *Eligible participants.* Program participants must be residents of conventional public or Indian housing. You must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(4) *Eligible Activities.* Funds may be used for the activities described below for the family category.

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for either proposed family or elderly RSDM activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements to provide space for self-sufficiency activities for residents (*i.e.* to provide cosmetic repairs for space to conduct community activities; or to expand existing community space for proposed ROSS activities) or modification for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments. All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act. Physical improvements include the following:

(i) The renovation, conversion, or combination of vacant dwelling units in a housing development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvement;

(ii) The renovation of existing common areas in a housing development to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iii) The renovation or repair of facilities located near the premises of one or more housing developments to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iv) If renovation, conversion, or repair is done off-site, you must provide documentation that you have control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation or other appropriate documentation.

(c) *Entrepreneurship training.* Entrepreneurship training includes literacy training, computer skills training, and business development planning.

(d) *Entrepreneurship development.* Entrepreneurship development includes entrepreneurship training curriculum and entrepreneurship courses.

(e) *Micro/Loan fund.* Developing a strategy for establishing a revolving micro/loan fund and/or capitalizing a loan fund, including licensing, bonding, and insurance needed to operate a business. Revolving loan funds cannot be used for acquisition, disposition, or physical development.

(f) *Developing credit unions.* Developing a strategy to establish and/or create on-site credit union(s) to provide financial and economic development initiatives to PHA residents. (RSDM grant funds cannot be used to capitalize a credit union.) The credit union can support the normal financial management needs of the community (*i.e.*, check cashing, savings, consumer loans, micro-businesses money management, home buyer counseling, educational loans, and other revolving loans).

(g) *Individual development accounts.* Activities or programs that encourage residents to contribute to matched savings accounts known as Individual Development Accounts (IDAs). These programs include financial counseling and education activities. (RSDM funds cannot be used as matching funds for the actual savings account).

(h) *Employment training and counseling* (*e.g.*, job training, establishing registered apprenticeship programs, preparation and counseling, job search assistance, job development and placement, and supportive services to support job training and apprenticeship activities).

(i) *Employer linkage and job placement.*

(j) *Enhanced self-sufficiency programs or work initiatives.* These programs will reinforce initial welfare to work programs and will focus on efforts to increase the earning capacity of residents. With a goal of increased resident earning capacity, additional efforts may be undertaken to establish or develop programs through job training, employment training and counseling, employer linkages and job placement, or other welfare to work initiatives. Activities may include but are not limited to assisting eligible residents in: securing better-paying jobs, seeking an improved work environment, preparing for work in a new job category, or obtaining enhanced job-related skills and educational training.

(k) *Family only—supportive services activities.* The provision of services to assist eligible residents to become economically self-sufficient, particularly families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs. Eligible supportive services may include, but are not limited to:

(1) Child care, of a type that provides sufficient hours of operation and serves appropriate ages as needed to facilitate parental access to education and job opportunities;

(2) Computer-based educational opportunities, skills training, and entrepreneurial activities;

(3) Homeownership training and counseling, development of feasibility studies and preparation of homeownership plans/proposals;

(4) Education including but not limited to: remedial education; computer skills training; career counseling; literacy training; assistance in the attainment of certificates of high school equivalency; two-year college tuition assistance; trade school assistance; youth leadership skills and related activities (activities may include peer leadership roles training for youth counselors, peer pressure reversal, life skills, and goal planning). Academic support shall not be limited to TANF recipients;

(5) Youth mentoring of a type that mobilizes a potential pool of role models to serve as mentors to public housing youth. Mentor activities may include after-school tutoring, help with problem resolution issues, illegal drugs avoidance, job counseling, or mental health counseling;

(6) Transportation costs, as necessary to enable any participating family member to receive available services to commute to his or her training or

supportive services activities or place of employment;

(7) Personal well-being (e.g., family/parental development counseling, parenting skills training for adult and teenage parents, self-development counseling, support groups/counseling for victims of domestic violence, and/or families with a mentally ill member, etc.);

(8) Supportive health care services (e.g., outreach and referral services to substance and alcohol abuse treatment and counseling, mental health services, wellness programs). Food costs that are directly attributable to the actual nutrition and health training are eligible grant expenditure. These are not food costs associated with entertainment;

(9) Contracting for case management services or employment of case managers, which must ensure confidentiality about resident's disabilities;

(l) *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs;

(m) *Stipends.* No more than $200 per participant per month of the grant award may be used for stipends for active trainees and program participants to cover the reasonable costs related to participation in training and other activities.

(5) *Elderly and persons with disabilities''eligible activities.* Supportive services activities for elderly and persons with disabilities activities may include, but are not limited to:

(a) A Program Coordinator (See Section III (E) (4) (a) for a description);

(b) Meal service adequate to meet nutritional need;

(c) Assistance with daily activities;

(d) Housekeeping aid;

(e) Transportation services;

(f) Health and nutrition programs, preventive health education, referral to community resources;

(g) Personal emergency response;

(h) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development;

(i) Case management;

(6) *Administrative costs.* Administrative costs, which may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(7) *Ineligible Activities.* Activities for which costs are ineligible for funding under the RSDM funding category include:

(a) Elderly Service Coordinator salary funding;

(b) Payment of wages and/or salaries to participants receiving supportive services and/or training programs, except that grant funds under family RSDM may be used to hire a resident(s) as a Program Coordinator or to provide training program activities;

(c) Purchase or rental of land;

(d) New construction, materials, costs;

(e) Purchase of vehicles; and

(f) Cost of application preparation is not eligible.

(8) *Grant term.* The grant term for Resident Service Delivery Models grants is thirty-six months from the execution date of the grant agreement.

(F) *Homeownership Supportive Services (HSS).* This funding category makes grants to PHAs for homeownership counseling and other supportive services for public housing residents who have participated in self-sufficiency programs. HSS activities including housing counseling are a missing link for working public housing residents to secure homeownership. HSS will build on the foundation of previous self-sufficiency activities to enhance the economic benefit for residents. Through these self-sufficiency programs the improved earning capacity of residents can be recognized as a foundation for homeownership. These grants will provide public housing residents with critical preparation for moving from renting to homeownership. In addition, HSS grants will create a pool of residents adequately prepared to pursue homeownership through the housing choice voucher program or other local homeownership programs. Therefore, HSS supports the existing section 8 homeownership program activities.

(1) *Eligible Applicants.* This funding category provides grants to PHAs for homeownership supportive services for public housing residents that were recipients of previously awarded ROSS grants and participates in the public housing Family Self Sufficiency Program funded from the operating fund. Tribes/TDHEs are not eligible applicants for HSS.

(2) *Eligible participants and requirements.* Program participants must meet all of the following conditions:

(a) This funding category is targeted to the population of public housing residents that were recipients/beneficiaries of previously awarded ROSS grants between FY 1999 and FY 2000, and participates in the public housing Family Self Sufficiency Program funded from the operating fund.

(b) Program participants must be residents of conventional public housing. As the applicant you must provide a statement that all of those served are residents affected by welfare reform. This includes those residents who are currently eligible, currently receiving, or have received within the preceding five years, assistance or services funded under TANF, SSI, or food stamp program.

(c) Where the number of targeted residents is not sufficient, the PHA may request a waiver to include conventional public housing residents, who participated in State and/or local self sufficiency programs in order to address homeownership needs in the local area.

(d) ROSS families or PH FSS residents to be targeted for proposed grant activities must meet the following eligibility requirements: Demonstrate an increase over a base year in earned income of at least 35 percent; achieve a level of income within the acceptable range for the local minimum income for home purchases in the local area; and currently reside in public housing.

(e) PHAs must have a Section 8 Homeownership program as stated in 24 CFR 982.625 *et seq.* (65 FR 55163). Those PHAs that have not elected to provide assistance under the voucher homeownership option (see final rule published September 12, 2000, 65 FR 55134), will be required to make such option available to eligible applicants who receive a voucher.

(f) In applying for HSS, applicants will be required to offer a minimum of 10 housing choice vouchers per year for eligible residents described above.

(3) *Eligible Activities.* Under this funding category, PHAs will design and develop homeownership supportive services for public housing residents. These supportive services shall comprehensively address the needs identified by the PHA for public housing families to obtain homeownership.

(a) Eligible activities shall include but not be limited to: Pre-purchase homeownership counseling and training; which may include training on such subjects as credit and financial management; credit repair; housing search; how to finance purchase of a home; fair housing; Individual Development Accounts, Real Estate Settlement Procedures Act (RESPA); and home maintenance.

(b) *Program Coordinator.* You are encouraged to include a Program Coordinator for activities for the entire term of your grant. A Program

Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(c) *Physical improvements.* Physical improvements to facilities at public or tribal housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities or modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 50 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA or tribal development to accommodate the provision of supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(d) PHAs are strongly encouraged to partner with HUD-approved housing counseling agencies, or other agencies that provide housing counseling services.

(e) *Administrative Costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 10 percent of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(f) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities.

(4) *Grant Term.* The grant term for Homeownership supportive services grants is thirty-six months from the execution date of your grant agreement.

(G) *Neighborhood Networks.* This funding category provides grants to PHAs to establish and/or operate Neighborhood Networks Centers that use computer technology and telecommunications or to update and expand existing computer centers. These computer centers will function as self-sustaining Neighborhood Networks Centers that: Increase the use of computer technology; reduce welfare dependency; promote economic self sufficiency; improve human development; provide opportunities for job training and development; expand educational opportunities for residents; develop access to health and nutrition information; and empower the clients they serve. All awardees will be required to complete the NN Business Plan and receive designation as a NN center within the grant term as part of proposed grant activities.

(1) *Eligible Applicants.* This funding category provides grants to PHAs. Tribes/TDHEs are not eligible applicants for NN under this funding category.

(2) *Eligible Activities.* Under this funding category, funds may be used for the following activities for either new NN or to update and expand existing computer centers to become NN:

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for NN activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements must directly relate to providing space for Neighborhood Networks Center activities for residents, including modifications for accessibility for persons with disabilities. Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements. Your physical improvements may not exceed 20 percent of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments; All renovations must meet appropriate accessibility requirements, including Section 504 requirements at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act.

(i) The renovation, conversion, or combination of vacant dwelling units in a PHA or tribal development to create common areas to accommodate the provision of a NN and supportive services is an eligible activity for physical improvements.

(ii) The renovation of existing common areas in a PHA development to accommodate the provision of a NN and supportive services.

(iii) The renovation or repair of facilities located near the premises of one or more PHA or tribal developments to accommodate the provision of supportive services.

(iv) If renovation, conversion, or repair is done off-site, the PHA, tribe or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(3) *Maintenance and insurance costs.* Include installing, training, and maintaining the hardware and software as well as insurance coverage for the space and equipment. Costs of computer hardware and software necessary to accommodate the needs of persons with disabilities are an eligible cost for this funding category.

(4) *Online computer center coordinator.* Costs for implementing the Neighborhood Networks Center and coordinating with social and supportive services staff.

(5) *Security and related costs.* Includes space and minor refitting, locks, and oversight.

(6) *Resident development and training courses.* These courses may be on disk, through the Web, and/or presented live.

(7) *Distance Learning Equipment.* Distance learning equipment, including the costs for video casting and purchase/lease/rental of distance learning equipment.

(8) *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(9) *Grant Term.* The grant term for Neighborhood Networks grants is thirty-six months from the execution date of the grant agreement.

(H) *Service Coordinators for Elderly and Persons with Disabilities.*

(1) *Eligible Applicants.* This funding category provides grants to PHAs with developments designated for the elderly and persons with disabilities, which were initially awarded in FY 1995. Tribes/TDHEs are not eligible for public housing service coordinator renewal grants.

(2) *Joint Applications.* Two or more PHAs may join together to share a service coordinator and to submit joint applications. Joint applicants must designate a lead applicant. All joint applicants must be existing service coordinator grantees.

(3) *Eligible Developments.* To be eligible, a development must have elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(4) *Eligible Activities.* Under this funding category, funds may be used for the following activities:

(a) *Service Coordinator.* To pay for the salary, fringe benefits, and related administrative costs for employing a service coordinator. A service coordinator is a social service staff person hired or contracted by the PHA. The coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. The service coordinator, however, may not require any elderly person or person with disabilities to accept the supportive services. For the purposes of this program, a service coordinator is any person who is responsible for one or more of the following functions:

(i) Working with community service providers to coordinate the provision of services and to tailor the services to the needs and characteristics of eligible residents;

(ii) Establishing a system to monitor and evaluate the delivery, impact, effectiveness and outcomes of supportive services under this program;

(iii) Coordinating this program with other independent living or self-sufficiency, education and employment programs;

(iv) Performing other duties and functions to assist residents to remain independent, and to prevent unnecessary institutionalization; and

(v) Mobilizing other national and local public/private resources and partnerships.

(b) *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20 percent of the total grant costs.

(5) *Ineligible Activities/Costs.* (a) Applicants may not use these monies to replace current funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions; and

(b) The cost of application preparation is not eligible.

(6) *Grant Term.* The grant term for Elderly or Persons with Disabilities Service Coordinator grants is 12 months.

IV. Program Requirements

The requirements of this section are applicable to all applicants, and grantees under this announcement of funding availability.

(A) *Compliance with Fair Housing and Civil Rights Laws.* Your application must meet all the applicable threshold requirements found in Section II (B) of the General Section of the SuperNOFA, as well as the following requirements.

(B) *Affirmatively Furthering Fair Housing.* You must adhere to the requirements as provided in Section II(D) of the General Section of the SuperNOFA.

(C) *Conducting Business In Accordance With Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects Core Values. See Section II(B)(2) of the General Section of the SuperNOFA for requirements.

(D) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* The Department of Housing and Urban Development (HUD) is committed to ensuring that small businesses, small disadvantaged businesses and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD grant funds. See Section II (F) of the General Section of the SuperNOFA for requirements.

(E) *Economic Opportunities for Low and Very Low Income Persons (Section 3).* You must adhere to the requirements as provided in Section II (E) of the General Section of the SuperNOFA.

(F) *Certifications and Assurances.* You must comply with the certifications and assurances contained in Section II (G) of the General Section of the SuperNOFA.

(G) *Applicant Internet Access.* Prior to the initial draw down, all grantees must have secured online access to the Internet as a means to communicate with HUD on grant matters. Tribes/TDHEs awardees may submit a waiver request to the Office of Native American Programs for this requirement if Internet access cannot be obtained.

(H) *ROSS Evaluation and Assessment.* All applicants selected for award must be willing to participate in the evaluation and assessment that HUD intends to conduct for the ROSS Program. At grant award HUD will provide additional information on the evaluation and assessment for applicants who receive awards.

(I) *ROSS Performance Measures.* All applicants selected for award must use ROSS Performance Measures in grant reporting for all awards. A comprehensive list of Performance Measures is provided in Appendix A to this NOFA. At grant award HUD will provide additional information on the Performance Measures for applicants who receive awards.

V. Application Selection Process

(A) Application Selection Process for Resident Management and Business Development. Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding a maximum of the first five eligible applications from each of the ten federal regions and DPONAP on a first-come, first-serve basis for this SuperNOFA. Any funds remaining after making awards to the first five eligible applications from each region and DPONAP will be awarded to the next eligible application from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region and DPONAP, the eligible applications will then be funded in the order in which they were received regardless of region. Where physical development

activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected. If all funds are not awarded in this funding category, available funds may be transferable to the RSDM funding category in this ROSS competition.

(B) Application Selection Process for Capacity Building. Applicants for Capacity Building grants are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section VI of this program section of the SuperNOFA. HUD will accept for funding the first two eligible applications from each of the ten federal regions and DPONAP on a first-come, first-served basis for this SuperNOFA. Any funds remaining after making awards to the first two eligible applications from each region and DPONAP will be awarded to the next eligible application from each region and DPONAP, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region and DPONAP, the eligible applications will then be funded in the order in which they were received regardless of region and DPONAP. If all funds are not awarded in this funding category, available funds may be transferable to the RSDM funding category in this ROSS competition.

(C) Application Selection Process for Resident Service Delivery Models.

(1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 70 is required to be considered for funding. If you are not the PHA or Tribe/TDHE, where physical development activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions and DPONAP for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions and DPONAP for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region and DPONAP until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and DPONAP and will fully fund as many as possible with remaining funds. Additional funding rounds to utilized transferred funding will be awarded utilizing the process described above.

(3) Factors for Award Used to Evaluate and Rate RSDM Applications. The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A RSDM application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed RSDM program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, enhanced self-sufficiency program, welfare-to-work initiative, or economic independence oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, enhanced self-sufficiency program, welfare-to-work initiative, or economic independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants: Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the

Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; Indian Housing Drug Elimination Program; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area. You will be evaluated on the extent to which they document a critical level of need in the development or your proposed activities in the area where activities will be carried out. In responding to this factor, you will be evaluated on:

(1) *A Needs Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document.

(a) To obtain maximum points for Family RSDM applications, this document must contain statistical data, which provides:

(i) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(ii) Specific information on training, contracting, and employment through the PHA or tribe/TDHE;

(iii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use. For enhanced self-sufficiency programs, you must describe specific baseline elements upon which goals will be measured;

(iv) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from welfare-to-work increased earning capacity or sustained work; and

(v) For enhanced self-sufficiency programs, you must describe how your proposed grant activities will contribute to the economic stability of the affected area.

(b) In order to obtain maximum points for Elderly and Persons with Disabilities RSDM applications, the needs assessment document should contain statistical data that provide:

(i) The numbers of residents needing assistance for activities of daily living;

(ii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(iii) A description of the goals, objectives, and program strategies that will result in increased independence for proposed program participants;

(2) *Level of Priority in Consolidated Plan or Indian Housing Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan, or Indian Housing Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed RSDM program; the soundness of your plan to evaluate the success of your proposed RSDM program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address the needs of residents* (21 Points). The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the needs of residents:

(a) *Services.* (18 Points for Family RSDM applicants and 21 Points for Elderly and Persons with Disabilities RSDM applicants). More points are awarded in the Elderly and Persons with Disabilities RSDM applications to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant) The score under this subfactor will be based on the following:

(i) For Family RSDM applications, the extent to which your plan provides services that specifically address the successful transition from welfare to work of non-elderly families. To receive a high score, your plan must include case management/counseling, job training/development/placement (and/or business training/development/startup), childcare, and transportation services. If you are not proposing to use RSDM funding for these activities, you must show that you will provide these services with other funds or through specific commitments from partners.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to welfare-to-work, enhanced self-sufficiency programs or other initiatives which build on previous welfare-to-work programs, and other self-sufficiency/independence goals. Specifically for those residents affected by welfare reform, we are interested in achievements that are performance outcomes such as the number of residents employed or businesses started, in addition to process descriptions, such as the number of residents receiving training. Similarly, for those residents involved in enhanced self-sufficiency programs, we are interested in achievements related to performance measures such as sustained work and increased earning capacity.

(iii) For Elderly and/or Persons with Disabilities RSDM applications, services in your plan should include case management, health care, congregate services and transportation. To obtain maximum points, you must describe the goals, objectives, and program strategies that will result in increased independence for proposed program participants; your services must be located in a community facility; and must be available on a 12-hour basis or as needed by the eligible residents.

(b) *Resident Contracting and Employment.* (3 Points for Family RSDM applicants) The score in this factor will be based on the extent to which residents will achieve self-sufficiency or increased earning capacity through your contracts with resident-owned businesses and through resident employment. A high score will be awarded where there is documentation (a letter or resolution from your governing body) describing

your commitment to hire or contract with at least 15 percent of residents and a narrative describing the number of resident jobs or contracts involved, as well as the training processes related to the comprehensive plan of your application. Elderly and Persons with Disabilities RSDM applications will not be scored on the criterion in this subcategory.

(2) *Budget Appropriateness/Efficient Use of Grant.* (5 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the following:

(a) *Detailed Budget Breakout.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 20 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(3) *Reasonableness of the Timetable.* (2 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant)

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed RSDM program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(4) *Program Assessment.* (3 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed RSDM program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program, which must include, if applicable, a plan for monitoring your Contract Administrator's performance. Your application should track specific measurable achievements for the use of program funds, such as number of residents employed, salary scales of jobs obtained, persons removed from welfare roles 12 months or longer, number of elderly or persons with disabilities residents receiving supportive services, increased earnings based on grant activities, and number of persons receiving certificates for successful completion of training in careers such as computer technology.

(5) *Resident and Other Partnerships* (9 Points for Family RSDM applicants and 7 Points for Elderly and Persons with Disabilities RSDM applicants)

(a) *Resident Involvement in RSDM Activities* (3 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant): The score in this factor will be based on the extent of resident involvement in developing your proposed RSDM program as well as the extent of proposed resident involvement in implementing your proposed RSDM program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed RSDM program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities or management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and

(iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points for Family RSDM only) For Family RSDM applicants, the score in this factor will be based on the extent of coordination between your proposed RSDM program and any existing or proposed programs within your jurisdiction. To receive a high score, you must contain an MOU that describes collaboration between the applicant and residents on all of the specific components related to the work plan of the proposed RSDM program. To receive points, at a minimum, you must have a narrative description of this collaboration. Elderly and Persons with Disabilities RSDM applications will not be scored on this criterion.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the RSDM grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including RSDM funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to

coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan or Indian Housing Plan.* (2 Points for Family RSDM applicants and 6 points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded for Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant.) Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For Family RSDM Applications, Coordination with the State and/or Local Welfare Plan* (4 Points): Provides evidence that your proposed RSDM program has been coordinated with and supports the PHA's efforts to increase resident self-sufficiency or increase resident earning capacity and is coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points) Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(D) *Application Selection Process for Homeownership Supportive Services.*

(1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section.

The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. If all funds are not awarded in RMBD, CB, HSS, SC funding categories, funds will be transferred to RSDM funding categories in this competition.

(2) *Factors for Award Used to Evaluate and Rate HSS Applications.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 1024. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A HSS application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed HSS program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and

timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, homeownership or independence-oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, homeownership, or independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants or programs: Family Self Sufficiency; Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; housing choice voucher homeownership program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the need/goal of the target population of pervious ROSS recipients/beneficiaries. You will be evaluated on the extent to which you document your proposed activities demonstrate that participants in self sufficiency programs are able to move from renting to homeownership, based on need, increases in resident income and other self sufficiency efforts. In responding to this factor, you will be evaluated on:

(1) *A Needs/Goals Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document. To obtain maximum points for HSS applications, this document must contain statistical data that provides:

(a) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(b) Specific information on training, contracting, and employment through the PHA;

(c) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(d) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from renters to homeowners.

(2) *Level of Priority in Consolidated Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: The viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed HSS program; the soundness of your plan to evaluate the success of your proposed HSS program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address the homeownership of transferred residents.* (18 Points) The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the counseling needs of residents identified for homeownership.

(a) *Services.* The score under this subfactor will be based on the following:

(i) The extent to which your plan provides services that specifically addresses the successful transition from renters to homeowners. To receive a high score, your plan must include case management and/or counseling.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to moving from renting to homeownership. Specifically for those residents affected by welfare reform, we are interested in achievements that are performance outcomes of residents targeted for homeownership, in addition to, descriptions of residents receiving training and homeownership counseling activities.

(2) *Budget Appropriateness/Efficient Use of Grant.* (8 Points) The score in this factor will be based on the following:

(a) *Detailed Budget Breakout.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 10 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(d) *Reasonableness of the Timetable.* The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed HSS program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(3) *Program Assessment.* (5 Points). The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed HSS program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program. Your application should track specific measurable achievements for the use of

program funds, such as number of residents counseled on becoming homeowners.

(4) *Resident and Other Partnerships.* (9 Points)

(a) *Resident Involvement in HSS Activities.* (3 Points). The score in this factor will be based on the extent of resident involvement in developing your proposed HSS program as well as the extent of proposed resident involvement in implementing your proposed HSS program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed HSS program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities or management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and

(iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points) For HSS applicants, the score in this factor will be based on the extent of coordination between your proposed HSS program and any existing or proposed programs within your jurisdiction. To receive points, at a minimum, you must have a narrative description of this collaboration.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the HSS grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: The value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including HSS funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate must include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 points). Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For HSS Program Applications, Coordination with the State and/or Local Welfare Plan* (4 Points). Provides evidence that your proposed HSS program has been coordinated with and supports the PHA's efforts to increase resident homeownership and is coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points). Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(E) *Application Selection Process for Neighborhood Networks Centers.*

(1) Three types of reviews will be conducted: A screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 70 is required to be considered for funding.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. NN funds may not be transferred to any other funding category within this NOFA.

(3) *Factors for Award Used to Evaluate and Rate NN Applications.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The

maximum number of points available for this program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points and a listing of federally designated RCs, EZs and ECs. In addition, a list of RCs, EZs, and ECs is attached to the General Section of the SuperNOFA as Appendix A–2 and is also available from the SuperNOFA Information Center, and the HUD web site, *www.hud.gov.* A NN application must receive a total of 70 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *Proposed Program Staffing.* (7 Points)

(a) *Experience.* (4 Points) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* (3 Points) You and your sub-recipients and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points) The soundness of the proposed management of your proposed NN program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* (3 Points) The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) *Applicant/Administrator Track Record.* (6 Points) To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, technology-oriented training, community-based job training, telecommunications, or other computer services (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident use of technology, computer instruction, or other computer services you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants or programs: Family Self Sufficiency; Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; housing choice voucher homeownership program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the need of public housing residents for computer technology. You will be evaluated on the extent to which you document your proposed activities in this area. In responding to this factor, you will be evaluated on:

(1) *A Needs/Goals Assessment Document.* (18 Points) HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document. To obtain maximum points for NN applications, this document must contain statistical data that provides:

(a) A profile of the eligible residents to be served by your NN center and its programs;

(b) Specific information on activities and programs to be undertaken as part of the NN center including job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, youth and afterschool programs and other proposed activities;

(c) An assessment of the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(d) A description of the goals and objectives of the NN center.

(2) *Level of Priority in Consolidated Plan.* (2 Points) Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed NN program; the soundness of your plan to evaluate the success of your proposed NN program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) *Viability and comprehensiveness of the strategies to address Neighborhood Networks needs in the proposed area.* (10 Points) The score

under this subfactor will be based on the viability and comprehensiveness of your strategies to address electronic information needs.

Your application must describe how the Neighborhood Networks Center or its conversion to Neighborhood Networks will address job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, and youth and after-school programs.

(2) *Budget Appropriateness/Efficient Use of Grant.* (10 Points) The score in this factor will be based on the following:

(a) *Detailed Budget Break-Out.* The extent to which your application includes a detailed budget breakout for each budget category in the SF–424A. Your application must include Chart C: Summary of Budget Line Items, for your proposed activities, and Chart D: Budget Work Plan Summary.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 15 percent administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(d) *Reasonableness of the Timetable.*

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed NN program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(3) *Program Assessment.* (10 Points) The score in this factor will be based on the soundness of your plan to evaluate the success and sustainability of your proposed NN program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program. Your application should track specific measurable achievements for the use of program funds, such as number of residents using proposed computer related services/programs being offered by the NN. Each applicant must describe how the existing computer center or proposed computer center will become a Neighborhood Networks Center and be self-sustaining after the proposed grant period has been completed.

(4) *Resident and Other Partnerships* (10 Points).

(a) *Resident Involvement in NN Program Activities* (4 Points) The score in this factor will be based on the extent of resident involvement in developing and planning for your proposed NN program as well as the extent of proposed resident involvement in implementing your proposed NN program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (3 Points) The score in this factor will be based on the successful integration of partners into implementation of the proposed NN program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. Your application should include local partnerships in support of NN activities such as job training, adult education, using the Internet to make linkages with health care providers, health services, and health information, and youth and after school programs. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities/management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and (iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points) For NN applicants, the score in this factor will be based on the extent of coordination between your proposed NN program and any existing or proposed programs within your jurisdiction. To receive points, at a minimum, you must have a narrative description of this collaboration.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25 percent cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

In evaluating this factor HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the NN grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including NN funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate must include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 points). Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For NN Program Applications, Coordination with the State and/or Local Welfare Plan* (4 Points). Provides evidence that your proposed NN program has been coordinated with and supports the PHA's efforts to reduce welfare dependency coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* (4 Points). Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the technology needs of public housing residents.

(F) *Application Selection Process for Service Coordinators.*

Applicants for Service Coordinators are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section IV of this program section of the SuperNOFA.

If all funds are not awarded in RMBD, CB, HSS, or SC funding categories, funds will be transferred to RSDM funding categories in this competition.

VI. Application Submission Requirements

(A) *All Applications.* All applications for assistance under the ROSS competition for all funding categories must include the forms, certifications and assurances listed in Section IV of the General Section of the SuperNOFA (collectively referred to as the ''standard forms''). These forms are:

SF–424, Application Federal Assistance;

HUD–424M, Federal Assistance Funding Matrix;

SF–424A, Federal Assistance Budget Information—Non Construction;

SF–424B, Assurances for Non-Construction Programs;

HUD Form 50070, Drug-Free Workplace Certification;

HUD Form 50071, Certification of Payments to Influence Federal Transactions, and if applicable SF-LLL, Disclosure of Lobbying Activities;

HUD Form 2880, Applicant/Recipient Disclosure/Update Report;

HUD Form 2991, Certification of Consistency with the Consolidated Plan;

HUD Form 2992, Certification of Debarment and Suspension;

HUD Form 2993, Acknowledgment of Application Receipt.

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA.

All applicants must include the following information regardless of the category under which they are applying for funds.

(1) ROSS Application Cover Sheet;

(2) ROSS Fact Sheet;

(3) ROSS Program Summary;

(4) Certification of Consistency and Compliance with General SuperNOFA Program Requirements;

(5) Match Requirement. (a) You must supplement grant funds with an in-kind and/or cash match of not less than 25 percent of the grant amount. This match does not have to be a cash match. The match may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (but not ROSS funds); funds from any State or local government sources; and funds from private contributions. Any services, such as childcare or mentoring, conducted by elderly or persons with disabilities residents who are not TANF participants, will not be counted toward your match requirement. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for self-sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(b) You must demonstrate that the cash or in-kind resources and services, which you will use as match amounts (including resources from a Comprehensive Grant, other governmental units/agencies of any type, and/or private sources, whether for-profit or not-for-profit), are firmly committed and will support the proposed grant activities. ''Firmly committed'' means there must be a written agreement to provide the resources and services signed by an official legally able to make commitments on behalf of the organization that specifies the cash and/or in-kind assistance to be provided. If offering in-kind assistance, the letter must provide an estimated dollar value for the in-kind services. The written agreement may be contingent upon your receiving a grant award. The following are guidelines for valuing certain types of in-kind contributions:

(i) The value of volunteer time and services shall be computed at a rate of six dollars per hour except that the value of volunteer time and services involving professional and other special skills shall be computed on the basis of the usual and customary hourly rate paid for the service in the community where the activity is located; and

(ii) The value of any donated material, equipment, building, or lease shall be computed based on the fair market value at time of donation. Such value shall be documented by bills of sale, advertised prices, appraisals, or other information for comparable property similarly situated not more than one-year old taken from the community where the item or activity is located, as appropriate. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for sufficiency training programs such as Twenty/20 Education Communities (TEC Centers) or Neighborhood Networks Centers.

(B) *RMBD Applications.* Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. A threshold review, and not application submission requirements, will be used for determining eligibility for first-come first serve funding.

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–9 are threshold requirements used to determine awards for this category; item 10 and its

subsections will be used for grant administration):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, food stamp programs, or tribal welfare programs.

(2) Your application must contain a signed Memorandum of Understanding (MOU) between the RA and the PHA or the RO/RMC and the Tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum must identify the principal parties (*i.e.* the name of the PHA or tribe/TDHE and RA or RO, the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the RA or RO and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the RA or RO and PHA or tribe/TDHE upon submission of the application.

(3) Accessible Community Facility. You must provide written evidence (*e.g.* through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of the program section of this SuperNOFA.

(5) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. Those tribes/TDHEs that HUD has determined to have difficulty in managing grants will be required to provide a written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA or tribe/TDHE, the Contract Administration responsibilities can be incorporated into the MOU discussed above.

(6) Except for Tribes/TDHEs, if you are a RA/RC/RMC/CWRO you must include evidence that your organization is registered with the State as a nonprofit corporation at the time of application submission or has section 501(c) status with the United States Internal Revenue Service at the time of application. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (*i.e.* Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(7) Certification of Resident Council Board Elections. If you are a Resident Organization, you must submit certifications of the RA/ROs board election as required by HUD, signed by the local PHA or tribe/TDHE and/or an independent third party monitor and notarized.

(8) List of RAs, ROs or Indian housing residents participating with the City-Wide Resident Organization (CWRO) or tribe/TDHE. You must list in your application, the name(s) of RAs or ROs that will receive services and you must submit letters of support from each RA or RO identified in your application. Your application must describe the Indian housing residents to be served by proposed grant activities.

(9) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(10) The following are application submission requirements and will not be used for determining eligibility for first-come first serve funding:

(a) Explanations for proposed grant activities must be provided by narrative statements or descriptions;

(b) Resident Management and Business Development grant applications must include a narrative description (two page limit) describing the activities that you will carry out with RMBD grant funds. Your description must include specific goals, objectives and program strategies that will result in successful transition of residents from welfare to work or other proposed grant activities;

(c) Your RMBD application must provide information about the RA or RO, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—RMBD Program Staffing
Chart B—RMBD Applicant/ Administrator Track Record
Chart C—Summary RMBD Budget line Items

(d) You must provide a summary of a proposed work plan to carry out proposed grant activities. This work plan must include tasks, budgeted amounts, and dates for all activities during the grant period.

Chart D—Budget Workplan Summary.

(C) *Applications for Capacity Building.* All applications for funding under this funding category must contain the following documents and information. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for funding. (Please note that items 1–6 are threshold requirements for a threshold review that will be used to determine awards for this category; items 7–11 will not be used to select awardees):

(1) Except for Tribes/TDHEs applicants, you must provide evidence that your organization has registered with the State as a nonprofit corporation or has 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

(2) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(3) In CB applications, you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and you must submit letters of support from each entity identified in your application.

(4) For applicants other than Tribes/TDHEs, you must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or part 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(5) Your application must contain a signed Memorandum of Understanding (MOU) between the RA or RO and PHA or tribe/TDHE which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum, must identify the principal parties (i.e. the name of the PHA or tribe/TDHE and IRO/nonprofit , the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application. This document is the basis for the foundation of the relationship between the IRO/nonprofit and PHA or tribe/TDHE. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the IRO/nonprofit and PHA or tribe/TDHE upon submission of the application.

(6) You must provide written evidence (e.g. through an executed space use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that proposed CB activities or training will take place. The community facilities must be within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation of the property represented by the PHA or tribe/TDHE. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used to determine eligibility for first-come first serve funding.

(7) Explanations for proposed grant activities must be provided by narrative statements or descriptions as well as the forms indicated below.

(8) Needs Assessment. For the CB grant applications you must provide a narrative description of proposed activities that addresses the following information:

(a) A description of the geographic boundaries of the RAs, ROs, RMCs, or tribes/TDHEs included in the application;

(b) A description of the public or Indian housing community;

(c) A detailed description of the issues or problems involved with each RA or RO to be served by the grant; and

(d) The resources that are currently being devoted to the problem or issue under consideration.

(9) Proposed Program Activities. CB grant applications must include a narrative description describing the activities that you will carry out with CB grant funds. Your description must include specific goals, objectives and program strategies that will result in successful proposed grant activities;

(10) Experience and Staffing. Your CB grant application must provide information about the your organization, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—CB Program Staffing

Chart B—CB Applicant/Administrator Track Record

Chart C—Summary CB Budget Line Items

(11) Budget and Cost Information. You must provide a summary of your proposed work plan to carry out your proposed grant activities. The work plan must include tasks/activities, budgeted amounts, and start and end dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(D) Application Submission Requirements for Resident Service Delivery Models. All applications for funding under this funding category must contain the following documents and information (Please note that items 1–10 are threshold requirements for a threshold review and responses to factors of award will be used to determine scoring of rating and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, food stamp programs or tribal welfare programs.

(2) Elderly and/or Persons with Disabilities Housing Development Certification. A certification that at least 25 percent of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.

(3) Accessible Community Facility. You must provide evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA or tribe/TDHE) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA or tribe/TDHE. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. If a tribe/TDHE is the applicant and is using its own property as a community facility, it is not exempt from this requirement. The tribe/TDHE is still required to provide a narrative to address all details requested for this threshold requirement.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(6) Except for PHA's or tribes/TDHEs, you must provide either a signed certification from HUD or an

Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84 or 85, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide evidence that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA, the Contract Administration responsibilities can be incorporated into the MOU discussed below.

(7) Applicant Non-Profit Status. Except for PHAs or tribes/TDHEs, you must provide evidence that the applicant is registered with the State as a nonprofit corporation or has 501(c) status with the United States Internal Revenue Service at the time of application submission. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(8) Certification of Resident Council Board Elections.

(9) List of RAs or ROs Receiving Support. In RSDM applications you must list in your application the name of the RAs or ROs that will receive training, technical assistance and/or coordinated supportive services and must submit letters of support from each entity identified in your application.

(10) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Chart C—Summary Budget line Items
Chart D—Budget Workplan Summary
Factor 3—Soundness of Approach;
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan

(E) *Application Submission Requirements for Homeownership Supportive Services.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–5 are threshold requirements for a threshold review and responses to factors of award will be used to determine scoring of rating and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Your application must provide evidence that the targeted population of public housing residents to be served by the proposed grant (a) were beneficiaries of a previously awarded ROSS grant between FY 1999 and FY 2000, or a state or local self-sufficiency program, (b) participates in a public housing family self-sufficiency program funded from operating subsidies, (c) had increases in earned income of at least 35% over a base year, and (d) achieved a level of income that is within the acceptable range of the local minimum income required for the purchase of a home in the local area.

(3) You must provide evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA) that a majority of the proposed activities will be administered at accessible community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(5) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(6) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing.
Chart B—Applicant/Administrator Track Record.
Factor 2—Need/Extent of the Problem;
Factor 3—Soundness of Approach;
Chart C—Summary Budget line Items.
Chart D—Budget Work plan Summary.
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan.

(F) *Application Submission Requirements for Neighborhood Networks Centers.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–5 are threshold requirements that will be used for a threshold review and responses to factors of award will be used to determine scores for rating and ranking for this category;);

(1) Your application must contain a written certification that at least 51 percent of the public housing residents to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding five years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Accessible Community Facility. You must provide written evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required)), convenient, inexpensive and reliable transportation) of the property represented by the PHA. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(3) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of the program section of this SuperNOFA.

(4) You must have an approved financial management system and procurement procedures. As evidence of your approved financial management or procurement system, you must provide

a copy of your latest audit report indicating that there are no deficiencies in either area and that your financial management system and procurement procedures fully comply with 24 CFR part 85. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition. The following are application submission requirements and will not be used for determining eligibility for funding.

(6) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Factor 3—Soundness of Approach;
Chart C—Summary Budget line Items
Chart D—Budget Work plan Summary
Factor 4—Leveraging Resources; and
Factor 5—Coordination, Self-Sufficiency and Sustainability.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the RC/EZ/EC Strategic Plan.

(G) *Application Submission Requirements for Public Housing Service Coordinators for the Elderly and Persons with Disabilities.* All applications for funding under this funding category must contain the following documents and information (Please note that items 1–2 are threshold requirements for a threshold review to be used to determine renewal funding for this category):

(1) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25 percent of the grant amount. See Section VI(A)(5) of this program section of the SuperNOFA.

(2) SC Request Letter Format.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for renewal funding.

(3) Evidence of comparable salaries in local area; and

(4) Lead Agency letter format (if appropriate);

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this ROSS funding will be categorically excluded under 24 CFR 58.34(a)(3) or (a)(9), 58.35(b)(2) or (b)(4), 50.19(b)(3), (b)(9), (b)(12), or (b)(14). An applicant proposing any long-term leasing, or physical development activities is prohibited from rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) If the grantee is not a PHA or tribe/TDHE, HUD has completed an environmental review to the extent required by 24 CFR part 50, prior to grant award.

(2) If the grantee is a PHA or tribe/TDHE, HUD has approved the grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with § 58.11 to perform the environmental review itself under part 50, HUD has completed the environmental review.

IX. Authority

Section 34 of the U.S. Housing Act of 1937 and 24 CFR 964.

Appendix B

The non-standard forms, which follow, are required for the ROSS application.

BILLING CODE 4210–32–P

APPENDIX A

ROSS PERFORMANCE MEASURES FOR THE FY 2002 ROSS NOFA

ROSS Funding Category	OUTPUTS	PERFORMANCE MEASURE (S)	OUTCOMES
RMBD	Deliver training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increased capacity and skills
	Develop Business Plans	• Number of business plans completed	Generate new business opportunities
	Deliver technical assistance	• Number of technical assistance sessions completed	Increased management and leadership skills
	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Increased resident opportunities in local welfare to work and other self sufficiency programs
CB	Complete training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increase resident participation and involvement
RSDM	Deliver training sessions	• Number of residents enrolled or recruited; • Number of residents completing training; • Number of training sessions completed	Increased capacity and skills
	Complete training related to entrepreneurship	• Number of training sessions completed • Number of Business plans completed	Increase knowledge, skills or capacity
	Establish a Revolving Loan Fund	• Number of loans made • Status of loans made (i.e., current, outstanding, paid-off, delinquent)	Increased access to financing and resources
	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Increased resident opportunities in local welfare to work and other self sufficiency programs

ROSS Funding Category	OUTPUTS	PERFORMANCE MEASURE (S)	OUTCOMES
HSS	Deliver Homeownership Counseling	• Number of residents recruited or enrolled; • Number of homeownership counseling sessions held; • Number of residents completing homeownership counseling; • Number of residents moving from renting to homeownership.	Movement from self sufficiency programs to homeownership
NN	Deliver Computer Technology and Support	• Number of computer technology centers established; • Number of computer technology centers upgraded; • Number of residents using technology center.	
SC	Deliver Supportive Services	• Number of new services provided by the ROSS grant; • Number of residents served	Improved quality of life for elderly residents and persons with disabilities

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Table of Contents _____ _____
- ❑ Application Checklist _____ _____
- ❑ Application for Federal Assistance (Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information—Non-Construction Programs (Form SF-424A) _____ _____
- ❑ Assurances—Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____
- ❑ RMBD Certification on Residents Affected by Welfare Reform _____ _____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE	_____	_____
❑ Accessible Community Facility - Executed Use Agreement	_____	_____
❑ Match Agreements – Not less than 25% of grant requested	_____	_____
❑ Certification of Compliance with 24 CFR Part 84 **or** Contract Administrator Signed Statement (not tribes/TDHEs)	_____	_____
❑ Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation **or** Good Standing from the State or Copy of IRS 501 (c) designation (not tribes/TDHEs)	_____	_____
❑ Certification of Resident Council Board Election	_____	_____
❑ List of RAs To Receive Support **and** Letters of Support from RAs	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements) --A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities. --A firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities funded under this competition.	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 2: Program Description and Budget

- ❑ Program Activities Description—Narrative _____ _____
- ❑ Your Resident Organization and it's History—Narrative _____ _____
- ❑ Chart A: RMBD Program Staffing _____ _____
- ❑ Resumes or summary of proposed staff's qualifications _____ _____
- ❑ Chart B: RMBD Applicant/Administrator Track Record _____ _____
- ❑ Chart C: RMBD Summary Budget Line Items _____ _____
- ❑ Summary of Proposed Work Plan _____ _____
- ❑ Chart D: RMBD Budget Work Plan Summary, Parts I and II _____ _____

TAB 3: Other Certifications and Assurances (See Part VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (B) (1-9) and SuperNOFA, General Section II.) *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Memorandum of Understanding (MOU) for Partnership between Applicant and PHA/tribe/TDHE	_____	_____
3. Accessible Community Facility - Executed Use Agreement or MOU	_____	_____
4. Match Agreements	_____	_____
5. *Certification of Compliance with 24 CFR Part 84 **or** Contract Administrator Signed Statement	_____	_____
6. *Proof of Applicant Nonprofit Status (State **or** IRS)	_____	_____
7. Certification of Resident Council Board Election	_____	_____
8. List of RAs to Receive Support and Letters of Support From RAs (CWRO applicants only)	_____	_____
9. Physical Improvements--Description, Budget, Timetable, and Firm Commitments for Service Provision (Only for applicants proposing physical improvements)	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. Your RMBD application must contain the following written certification that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RMBD CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RMBD grant.

_____

_____

_____

This proposed RMBD grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of the residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ ,2002.

By: _____
President of Resident Organization or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

7. Certification of Resident Council Board Election. You must submit certification of the Resident Organization board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

CERTIFICATION OF RESIDENT COUNCIL BOARD ELECTION

I CERTIFY that _____
(name of organization)

located in _____ has duly elected
(city & state)

all of the Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations, Part 964.

Date of Last Resident Council Board Election: _____.

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

_____
NOTARY (Signature & Date)

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FY 2002 Resident Management and Business Development Applicant: _____

List of Resident Associations Participating with the City-Wide Resident Organization

(Only City-Wide Resident Organization Applicants Need to Complete and Submit this Chart)

Name of the Resident Association	Contact Person	Address, City & State	PHA/Tribe

HUD-2002-ROSS (02/02)

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Chart A: RMBD Program Staffing **Applicant Name:** _____

I. Applicant (RA or CWRO)				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACT ADMINISTRATOR		
Contract Administrator to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

III.CONSULTANT(S)/TRAINERS/SVC. PROVIDERS/OTHER EXPERTS		
Consultants/Trainers to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

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Chart B: RMBD Applicant/Administrator Track Record

Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Drawn Down	Major Goal #1	% Complete	Major Goal #2	% Complete

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ROSS FY 2002 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

CHART C
RMBD BUDGET LINE ITEM SUMMARY

Applicant Name:_____ **Date:**_____

Please check the following as appropriate for your proposed program.

Resident Management and Business Development

_____	**1010**	**Physical Improvements**
_____	**1020**	**Resident Business Development**
_____	1021	Develop Business Plan
_____	1022	Conduct Market Analysis
_____	1023	Licensing, Insurance Bonding
_____	1024	Training Related to Resident Owned Business
_____	1025	Establishment of Resident Managed Business Development
_____	1026	Technical Assistance
_____	**1030**	**Resident Organization Development Activities**
_____	1031	Organize Community
_____	1032	Operating Procedures
_____	1033	Develop MOU
_____	1034	Develop Plan for Technical Assistance
_____	1035	Consultant Contracts
_____	1036	Self Sufficiency Programs
_____	**1040**	**Resident Management**
_____	1041	Conduct Feasibility Study
_____	1042	Secure Training/Skills/Expertise
_____	1043	Develop MOU
_____	1044	Secure T/A to Draft Contract
_____	1045	Negotiate Contract with PHA
_____	1046	Conduct Resident Training/Preparation
_____	**1050**	**Self Sufficiency Program**
_____	1051	Employment and Job Readiness
_____	1052	Job Training
_____	1053	Management Related Employment Training
_____	1054	Vocational Training
_____	1055	Technical Assistance
_____	**1060**	**Supportive Services**
_____	**9100**	**Travel Costs**
_____	**9200**	**Other Resident Costs (Stipends, Reimbursements)**
_____	**9300**	**Contract Administrator**
_____	**9400**	**Administrative and Other Costs**

See Appendix X for Narrative Descriptions

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Chart D: RMBD Budget Workplan Summary - Part I **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1010 Physical Improvements **TOTAL: $**				
1020 Resident Business Dev. **TOTAL: $**				
1021 Develop Business Plan				
1022 Conduct Market Analysis				
1023 Licensing, Insurance, Bonding				
1024 Training Related to Resident Owned Business				
1025 Establishment of Resident Managed Business Dev.				
1026 Technical Assistance				

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Chart D: RMBD Budget Workplan Summary – Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1030 Resident Org. Dev. Activities **TOTAL: $**				
1031 Organize Community				
1032 Operating Procedures				
1033 Develop MOU				
1034 Develop Plan for Technical Assistance				
1035 Consultant Contracts				
1036 Self Sufficiency Programs				
1040 Resident Management **TOTAL: $**				

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Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1041 Conduct Feasibility Study				
1042 Secure Training/Skills/Expertise				
1043 Develop MOU				
1044 Secure T/A to Draft Contract				
1045 Negotiate Contract with PHA				
1046 Conduct Resident Training/ Preparation				
1050 Self Sufficiency Program **TOTAL: $**				

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Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1051 Employment and Job Readiness				
1052 Job Training				
1053 Management Related Employment Training				
1054 Vocational Training				
1055 Technical Assistance				
1060 Supportive Services **TOTAL: $**				
9100 Travel Costs **TOTAL: $**				
9200 Other Resident Costs (Stipends, Reimbursements) **TOTAL: $**				

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Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
9300 Contract Administrator **TOTAL: $**				
9400 Admin. and Other Costs **TOTAL: $**				

Chart D: RMBD Budget Workplan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RMBD GRANT TOTAL
1010 Physical Improvements	$
1020 Resident Business Development	$
1030 Resident Organization Development Activities	$
1040 Resident Management	$
1050 Self Sufficiency Program	$
1060 Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RMBD Funds Requested	$

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ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3)

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972, Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for forms in this tab.)

❑ Table of Contents	_____	_____
❑ Application Checklist	_____	_____
❑ Application Cover Sheet	_____	_____
❑ Application for Federal Assistance (Standard Form SF-424)	_____	_____
❑ Federal Assistance Funding Matrix (Form HUD-424M)	_____	_____
❑ Budget Information—Non-Construction Programs (Standard Form SF-424A)	_____	_____
❑ Assurances—Non-Construction Programs (Standard Form SF-424B)	_____	_____
❑ ROSS Fact Sheet	_____	_____
❑ ROSS Program Summary	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

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ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____
- ❑ Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **or** Copy of IRS 501(c) designation (not for tribes/TDHEs) _____ _____
- ❑ Match Agreements -- Not less than 25% of grant requested _____ _____
- ❑ List of RAs to Receive Support and Letters of Support from RAs _____ _____
- ❑ Certificate of Compliance with either 24 CFR Part 84 **or** Contract Administrator Signed Statement (not for tribes/TDHEs) _____ _____
- ❑ MOU between Applicant and PHA/tribe/TDHE _____ _____
- ❑ Accessible Community Facility – Description or Executed Use Agreement _____ _____

TAB 2: Program Description and Budget

- ❑ Needs Assessment Report _____ _____
- ❑ Proposed Program Activities Description _____ _____
- ❑ Experience and Staffing—Narrative _____ _____
- ❑ Chart A: CB Program Staffing _____ _____

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ROSS FY 2002 FUNDING

CAPACITY BUILDING

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Resumes **or** Summary of Proposed Staff's Qualifications	_____	_____
❑ Chart B: Applicant Track Record	_____	_____
❑ Work Plan Summary	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Workplan Summary, Parts I and II	_____	_____

TAB 3: Other Certifications and Assurances
(See Part VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING CAPACITY BUILDING

THRESHOLD CHECKLIST

Applicant:_____ **Date:**_____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See ROSS NOFA, Section VI (A) & (C) and General SuperNOFA Section II). *Note: Items marked with an * do not apply to tribes/TDHEs.*

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. *Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **or** Copy of IRS 501(c) designation	_____ _____	
2. Match Agreements—Not less than 25% of grant requested	_____	_____
3. List of RAs to Receive Support **and** Letters of Support from RAs	_____	_____
4. *Certificate of Compliance with either 24 CFR Part 84 **or** Contract Administrator Signed Statement	_____	_____
5. MOU between Applicant and PHA/tribe/TDHE	_____	_____
6. Accessible Community Facility – Description or Executed Use Agreement	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
CAPACITY BUILDING

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family CB application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. □

CB CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed CB grant.

_____

_____

_____

This proposed CB grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

FY 2002 Capacity Building **Applicant:** _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City & State	Housing Authority/Tribe

OMB Approval No. 2577-0221

Chart A: CB PROGRAM STAFFING Applicant Name: _____

I. APPLICANT				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACTOR ROLE		
Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

OMB Approval No. 2577-0221

Chart B: CB Applicant Track Record

Applicant: _____

Program	Project Number	% of Term Complete	% of Funds Drawn Down	Major Goal #1	Percent Complete	Major Goal #2	Percent Complete

OMB Approval No. 2577-0221

CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building) **Applicant Name:**

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9300 Contract Administrator **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building) Applicant Name:

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9300 Contract Administrator **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

OMB Approval No. 2577-0221

CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB GRANT FUNDS	NON-CB PARTNER FUNDS	ACTIVITY START/END DATE
9100 Travel Costs TOTAL: $				
9300 Contract Admin. TOTAL: $				
9400 Administrative Costs TOTAL: $				

Chart D: CB Budget Work Plan Summary - Part II (Capacity Building)

Please insert below the totals for each Summary Budget Line Item to be included in your **Capacity Building** grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	CB GRANT TOTAL
3000 Capacity Building Activities	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all Capacity Building Funds Requested	$

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( )_____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

Partner's Name _____ In-Kind/Cash Contribution _____ # Persons Served _____

Partner's Address

_____

TOTAL _____ _____

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification on Resident Affected by Welfare Reform (Family RSDM Applicants Only)	_____	_____
❑ Elderly Housing Development Certification (Elderly RSDM Applicants Only)	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
❑ Certificate of Compliance with either 24 CFR Part 84 or 85 **or** Contract Administrator Signed Statement (not for Tribes/TDHEs or non-troubled PHAs)	_____	_____
❑ Proof of Nonprofit Status (RA, IRO, and Nonprofit Applicants Only). IROs must have 501 (c) status.	_____	_____
❑ Certification of Resident Council Board Election (RA Applicants Only)	_____	_____
❑ List of RAs to Be Served and Letters of Support from RAs	_____	_____
TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)		
❑ Chart A: Program Staffing	_____	_____
❑ Narrative on proposed staffing and coordination among service providers	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Chart B: Applicant/Administrator Track Record	_____	_____
❑ Organization Chart	_____	_____
❑ Staff Position Descriptions	_____	_____
❑ Staff Resumes or Background/ Experience Descriptions	_____	_____
❑ Narrative on program administration and fiscal management structure	_____	_____
TAB 3: Needs/Extent of Problem (Factor 2)		
❑ Needs Assessment Report	_____	_____
❑ Narrative on level of priority in Consolidated Plan/IHP	_____	_____
TAB 4: Soundness of Approach (Factor 3)		
❑ Narrative describing proposed services	_____	_____
❑ Narrative on resident contracting and employment	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
❑ Narrative on program assessment	_____	_____
❑ Narrative on resident involvement and other partnerships	_____	_____
❑ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources (Factor 4)		
❑ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____

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ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 6: Coordination, Self-sufficiency, and Sustainability (Factor 5)

- ❑ Narrative demonstrating review of Consolidated Plan/IHP _____ _____
- ❑ Narrative on coordination w/ State/local welfare plan _____ _____
- ❑ Narrative on coordination with other activities _____ _____
- ❑ Certification of Consistency w/ the Consolidated Plan _____ _____
- ❑ Certification of Consistency w/ the Indian Housing Plan (Tribes/TDHEs only) _____ _____

TAB 7: Bonus Points

- ❑ EZ/EC Certification _____ _____

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Elderly Housing Development Certification (Elderly applicants only)	_____	_____
3. Accessible Community Facility Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
4. Match Agreements	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
6. Certification of Compliance with either 24 CFR Part 84 or 85 **or** Contract Administrator Signed Statement (not for Tribes/TDHE or non-troubled PHAs)	_____	_____
7. Proof of Applicant Nonprofit Status (RA, IROs, and non- profit applicants only)	_____	_____
8. Certification of Resident Board Election (RA applicants only)	_____	_____
9. List of RAs to be Served and Letters of Support from RAs	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family RSDM application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

RSDM CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RSDM grant.

_____

_____

_____

This proposed RSDM grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities.

RSDM ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that _____% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities at the time of the application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

7. Certification of Resident Board Election. RA applicants must submit certification of the RA board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

Certification of Resident Council Board Election

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations (CFR), Part 964.

Date of Last Resident Council Board Election: _____

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

NOTARY (*Signature & Date*) _____

OMB Approval No. 2577-0221

FY 2002 Resident Service Delivery Models Applicant: _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City, & State	Housing Authority/Tribe

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

Chart A: RSDM PROGRAM STAFFING

Applicant Name:

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

OMB Approval No. 2577-0221

Chart B: RSDM Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Chart C
RSDM SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator** (family or elderly)	_____
2010	**Physical Improvements**	_____
2020	**Entrepreneur Business Development**	_____
2021	Establishing A Revolving Loan Fund	_____
2022	Developing a Credit Union	_____
2030	**Business Development**	_____
2031	Develop Business Plan	_____
2032	Conduct Market Analysis	_____
2033	Secure Licensing, Insurance, Bonding	_____
2034	Training Related to Resident Owned Business	_____
2035	Establishment of Resident Managed Business Development	_____
2040	**Resident Organization Development Activities**	_____
2041	Organize Community	_____
2042	Operating Procedures	_____
2043	Develop MOU	_____
2044	Develop Plan for Technical Assistance	_____
2045	Consultant Contracts	_____
2046	Self Sufficiency Programs	_____
2050	**Resident Management**	_____
2051	Conduct Feasibility Study	_____
2052	Secure Training/Skills/Expertise	_____
2053	Develop MOU	_____
2054	Consultant	_____
2055	Secure T/A to Draft Contract	_____
2056	Negotiate Contract with PHA	_____
2057	Conduct Resident Training Preparation	_____

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SUMMARY BUDGET INFORMATION (continued)

2060	**Self Sufficiency Program**	_____
2061	Program Coordinator	_____
2062	Physical Improvements	_____
2063	Employment and Job Readiness	_____
2064	Job Training	_____
2065	Management Related Employment Training	_____
2066	Vocational Training	_____
2067	Technical Assistance	_____
2070	**Family Supportive Services**	_____
2870	**Elderly Supportive Services**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

OMB Approval No. 2577-0221

CHART D: RSDM Budget Work Plan Summary – Part I

Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
2020 Entrepreneur Bus. Dev. TOTAL: $				
2021 Establish a Revolving Loan Fund				
2022 Develop a Credit Union				
2030 Business Development TOTAL: $				
2031 Develop Business Plan				
2032 Conduct Market Analysis				
2033 Secure Licensing, Insurance, Bonding				

HUD-2002-ROSS (02/02)

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2034 Training Related to Resident Owned Business				
2035 Establishment of Resident Managed Business Development				
2040 Resident Organization Development Activities TOTAL: $				
2041 Organize Community				
2042 Operating Procedures				
2043 Develop MOU				
2044 Develop Plan for Technical Assistance				

CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2045 Consultant Contracts				
2046 Self Sufficiency Programs				
2050 Resident Management TOTAL: $				
2051 Conduct Feasibility Study				
2052 Secure Training/Skills/ Expertise				
2053 Develop MOU				
2054 Consultant				

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CHART D: RSDM Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2055 Secure T/A to Draft Contract				
2056 Negotiate Contract with PHA				
2057 Conduct Resident Training Preparation				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				

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CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2005 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

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CHART D: RSDM Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL : $				

Chart D: RSDM Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RSDM GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
2020 Entrepreneur Business Development	$
2030 Business Development	$
2040 Resident Organization Development Activities	$
2050 Resident Management	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2870 Elderly Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RSDM Funds Requested	$

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

OMB Approval No. 2577-0221

CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

HUD-2002-ROSS (02/02)

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models –Elderly/Disabled**
_____ **Homeownership Supportive Services**
_____ **Neighborhood Networks**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

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ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
SERVICE COORDINATORS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive or Other Authorized Representative

For Applicant: _____

Use this checklist to review your package and insure all materials are properly completed and included. **Submit a copy of this form with your application.**

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for some forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Lead agency letter form (if applicable) _____ _____
- ❑ Evidence of Comparable Salaries in Local Area _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424-M) _____ _____
- ❑ Assurances—Non-Construction Programs (Standard Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ Chart A: Summary Budget Line Items _____ _____

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ROSS FY 2002 FUNDING
SERVICE COORDINATORS

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 1: Threshold Requirements		
❑ Request Letter	_____	_____
❑ Match Agreements – Not less than 25% of the grant requested	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING SERVICE COORDINATORS

REQUEST LETTER FORMAT

Dear _____ Date:_____
Director, Public Housing

The following is my request for a one-year Service Coordinator renewal grant. I am requesting a total grant amount of $_____.

I. APPLICANT AND DEVELOPMENT(S)

1. PHA name and address:

2. Development name(s) and address(s):

_____

_____

_____

3. Development number(s) and Congressional District(s):

_____

_____

_____

4. Did you have a FY 1995 Elderly Service Coordinator grant? ___Yes ___No.

II. DEVELOPMENT INFORMATION

1. Total Number of Units Occupied by the Elderly and/or Persons with Disabilities: ___.

2. Total Number of Residents: ___.

3. Estimated Number Frail Elderly and Persons with Disabilities: ___.

4. Estimated Number At-Risk Elderly: ___.

5. Applicant will contract out for a Service Coordinator. ___Yes ___No

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6. Development will share a Service Coordinator with other development(s) or applicant(s). ___Yes ___No

   If yes, please give name and address of the development(s) and applicant(s), if different.

   _____

   _____

   _____

7. Total number of Service Coordinators to be funded by the grant funds: ___.

III. COSTS

FY 2002 award amounts cannot be higher than the applicant's highest funding and staffing level approved for a one-year period for the applicant's last funded Service Coordinator grant. An increase of up to 2% will be allowed if supported by a narrative justification attached to this Request Letter.

1. **Salary Rate**

   a. Determine the base salary level, looking at comparable positions (modified by number of hours worked).

      Base salary level $_____

   b. Fringe benefits

      % of base salary _____%

      Dollar value $_____

   c. Salary rate

      $_____ + $_____ = $_____
      base salary fringe benefits salary rate

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III. COSTS (continued)

2. **Administrative Costs**

Any administrative costs may amount to no more than 20% of the total grant.

Item	Amount
_____	$_____
_____	$_____
_____	$_____
Total:	$_____

3. **Total Cost**

One-year total costs:

Allowable administrative costs	$_____ +
Annual salary rate	$_____ =
Total Cost	$_____ .

Please distribute the TOTAL Amount Requested by the following Budget Line Items:

Service Coordinators

_____ **9810**	**Administrative Costs**
_____ **9820**	**Other Program Expenses**
_____ **9830**	**Training**
_____ **9840**	**Salaries**
_____ **9850**	**Fringe**
_____	**TOTAL**

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____	_____	_____
Signature	Typed Name	Title

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ROSS FY 2002 FUNDING
SERVICE COORDINATORS

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one public housing agency is proposing to share a service coordinator, one agency **must** designate itself the "lead." This agency must submit a letter following this format on organization letterhead, signed by an authorized person.

Dear _____ _____
Director, Public Housing Date

The following PHAs are jointly submitting a single Service Coordinator application:

_____

_____

This request includes _____ (specify the number) developments, which will share a Service Coordinator. The developments are:

Development Name and Address	Amount Requested ($)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The completed requests from each of these ___(specify number)____ applicants are attached to this letter.

Sincerely,

_____
Signature

_____
Typed Name

_____
Title

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( ) _____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

OMB Approval No. 2577-0221

ROSS FY 2001 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification of Residents Affected by Welfare Reform	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____
❑ Certification of Compliance with 24 CFR Part 85	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)		
❑ Chart A: Program Staffing	_____	_____
❑ Narrative on proposed staffing and coordination among service providers	_____	_____
❑ Chart B: Applicant/Administrator Track Record	_____	_____
❑ Organization Chart	_____	_____
❑ Staff Position Descriptions	_____	_____
❑ Staff Resumes or Background/ Experience Descriptions	_____	_____
❑ Narrative on program administration and fiscal management structure	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 3: Needs/Extent of Problem (Factor 2)		
❑ Needs Assessment Report	_____	_____
❑ Narrative on level of priority in Consolidated Plan	_____	_____
TAB 4: Soundness of Approach (Factor 3)		
❑ Narrative describing proposed services	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
❑ Narrative on program assessment	_____	_____
❑ Narrative on resident involvement and other partnerships	_____	_____
❑ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources (Factor 4)		
❑ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____
TAB 6: Coordination, Self-Sufficiency, and Sustainability (Factor 5)		
❑ Narrative demonstrating review of Consolidated Plan	_____	_____
❑ Narrative on coordination w/ State/local welfare plan	_____	_____
❑ Narrative on coordination with other activities	_____	_____
❑ Certification of Consistency w/ the Consolidated Plan	_____	_____
TAB 7: Bonus Points		
❑ EZ/EC Certification	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

- ❑ Certification for a Drug-Free Workplace (Form HUD–50070) _____ _____
- ❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A) _____ _____
- ❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880) _____ _____
- ❑ Certification Regarding Debarment and Suspension (Form HUD–2992) _____ _____
- ❑ Acknowledgment of Application Receipt (Form HUD-2993) _____ _____

ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Accessible Community Facility Description or Executed Use Agreement	_____	_____
3. Match Agreements	_____	_____
4. Certification of Compliance with 24 CFR Part 85	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your NN application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

NN CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed NN grant.

_____

_____

_____

This proposed NN grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____

Applicant Executive Director or other Authorized Representative

For: _____

Applicant Name

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws**. Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975,* and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

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Chart A: NN PROGRAM STAFFING

Applicant Name: _____

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart B: NN Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

HUD-2002-ROSS (02/02)

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ROSS FY 2002 FUNDING
NEIGHBORHOOD NETWORKS

Chart C
NN SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator**	_____
2010	**Physical Improvements**	_____
3000	**Computer Equipment and Software**	_____
3010	Computer Hardware	_____
3011	Computer Software	_____
3012	Other Equipment	_____
3020	**Training**	_____
3030	**Insurance and Security**	_____
3031	Insurance	_____
3032	Security	_____
3040	**Maintenance**	_____
3050	**NN Business Plan**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

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CHART D: NN Budget Work Plan Summary – Part I Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	NN GRANT FUNDS	NON-NN/ PARTNER FUNDS	ACTIVITY START/END DATE
2010 Physical Improvements TOTAL: $				
3000 Computer Equip & Sftwre TOTAL: $				
3010 Computer Hardware				
3011 Computer Software				
3012 Other Equipment				
3020 Training TOTAL: $				
3030 Insurance and Security TOTAL: $				
3031 Insurance				
3032 Security				
3040 Maintenance TOTAL: $				
3050 NN Business Plan TOTAL: $				

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CHART D: NN Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	NN GRANT FUNDS	NON-NN/ PARTNER FUNDS	ACTIVITY START/END DATE
2005 Program Coordinator TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL: $				

Chart D: NN Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	NN GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
3000 Computer Equipment & Software	$
3020 Training	$
3030 Insurance & Security	$
3040 Maintenance	$
3050 NN Business Plan	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all NN Funds Requested	$

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CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Named: _____

Title: _____

Signature: _____

Date: _____

HUD-2002-ROSS (02/02)

Certification of Consistency with the EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of EZ/EC _____

I further certify that the proposed activities/projects will be located within the EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

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RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2002 FUNDING COVER SHEET

Funding Category (Check ONE):

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models – Family
_____ Resident Service Delivery Models –Elderly/Disabled
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinators

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( )_____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

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ROSS FY 2002 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: ___PHA ___RA ___IRO ___NONPROFIT ___ TRIBE/TDHE

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Resident Service Delivery Models
_____ Homeownership Supportive Services
_____ Neighborhood Networks
_____ Service Coordinator Renewal

Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

****Tribal or TDHE applicants should use the unit count described in the NOFA Section II (F).**

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION (Does not apply to SC applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

For any previous ROSS grants you have received, you must note the Fiscal Year, ROSS Category (RSDM, RMBD, etc.), and Award Amount.

_____

_____

_____

_____

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ROSS FY 2002 FUNDING

FACT SHEET (continued)

Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

Signed this _____ day of _____, 2002.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: ___PHA ___RA ___IRO ___NONPROFIT ___TRIBE/TDHE

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

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ROSS FY 2002 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

OMB Approval No. 2577-0229

ROSS FY 2002 FUNDING

Certification of Consistency and Compliance with General SuperNOFA Program Requirements

I CERTIFY that the proposed ROSS activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Compliance with Fair Housing and Civil Rights laws.** Compliance with all Fair Housing and Civil Rights laws, statues, regulations, and Executive order as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with non-discrimination provisions in 24 CFR 1003.601.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing. *Section 109 of the Housing and Community Development Act of 1974.*

3. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

4. **Conducting Business In Accordance With Core Values and Ethical Standards.** Documentation of a written code of conduct as contained in 24 CFR 84.42 and 85.36(b)(3).

5. **Ensuring the Participation of Small Business, Small disadvantaged Businesses, and Women-Owned Businesses.** Compliance with 24 CFR 84.44(b) and 85.36(e) in contracting for purchasing of goods and services.

6. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

7. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, the *Age Discrimination Act of 1975*, and section 109 of the *Housing and Community Development Act of 1974.*

8. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2002.

By:_____

Applicant Chief Executive Officer or Other Authorized Representative

For: _____

HUD-2002-ROSS (03/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2002.

By:

_____

Applicant Chief Executive Officer or Other Authorized Representative

For Applicant:

_____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Form HUD-424M) _____ _____
- ❑ Standard Form for Budget Information—Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ ROSS Fact Sheet _____ _____
- ❑ ROSS Program Summary _____ _____
- ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirement Certification _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Certification of Residents Affected by Welfare Reform	_____	_____
❑ Certification of previous self-sufficiency program participation, certification of earned income Increase, and acceptable range of local minimum income to purchase a home in the local area.	_____	_____
❑ Accessible Community Facility –Description or Executed Use Agreement	_____	_____
❑ Physical Improvements	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____

TAB 2: Capacity of the Applicant and Relevant Organizational Experience (Factor 1)

- ❑ Narrative description of experience of Project Director and Staff
- ❑ Allocation of staff years for activities and personnel of the proposed HSS activities
- ❑ Chart A - Program staffing

Program Administration And Fiscal Management

- ❑ Description of proposed HSS Project Management Structure
- ❑ Description of proposed HSS Fiscal Management Structure

Applicant/Administrator Track Record

- ❑ Narrative description of previous experience in implementing Self-Sufficiency and Homeownership Programs
- ❑ Chart B – Applicant track record

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 3: Needs/Extent of Problem (Factor 2)

- ❑ Needs Assessment Report _____ _____
- ❑ Narrative on level of priority in Consolidated Plan _____ _____

TAB 4: Soundness of Approach (Factor 3)

- ❑ Narrative describing proposed homeownership counseling and supportive services _____ _____
- ❑ Narrative on budget and implementation timetable _____ _____
- ❑ Chart C: Summary Budget Line Items _____ _____
- ❑ Chart D: Budget Work Plan Summary, Parts I and II _____ _____
- ❑ Narrative on program assessment _____ _____
- ❑ Narrative on resident involvement and other partnerships _____ _____
- ❑ Narrative on coordination and collaboration _____ _____

TAB 5: Leveraging Resources (Factor 4)

- ❑ Narrative on the contributions, roles, and responsibilities of each partner _____ _____

TAB 6: Coordination, Self Sufficiency, and Sustainability (Factor 5)

- ❑ Narrative demonstrating review of Cons. Plan _____ _____
- ❑ Narrative on coordination w/ State/local welfare plan _____ _____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Narrative on coordination with other activities	_____	_____
❑ Certification of Consistency w/ the Consolidated Plan	_____	_____

TAB 7: Bonus Points

❑ EZ/EC Certification	_____	_____

TAB 8: Other Certifications and Assurances

(See Section VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071), and if applicable, Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification Regarding Debarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section VI (A) & (D) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification of Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Certification of previous self-sufficiency program participation, certification of earned income increase, and acceptable range of local minimum income to purchase a home in the local area.	_____	_____
3. Accessible Community Facility Description or Executed Use Agreement (if facility provided is not a PHA)	_____	_____
4. Physical Improvements	_____	_____
5. Match Agreements	_____	_____

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family HSS application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform. ☐

HSS CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed HSS grant.

_____

_____

_____

This proposed HSS grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ , 2002.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

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ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

1.) For residents eligible for Homeownership, your application must provide evidence/certification that the targeted population of public housing residents to be served by the proposed grant were beneficiaries of a previously awarded ROSS grant between FY 1999 and FY 2000; eligible population group, 35% earned income and that income is within the range of the income minimum.

_____ Total number of residents (previous participants in ROSS for 1999 or 2000, or other State & Local Self Sufficiency Programs) who will participate in proposed homeownership activities.

Proposed Targeted Residents	Minimum Local Income Level for Homeownership	Base Year	Base Year Income	Current Income	Percentage over Base Year

I certify that the proposed residents to be served are within the eligible population group; have an earned income increase of at least 35% and are within the minimum range of income for Homeownership in my local area.

Signed this _____ day of _____, 2002.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

Chart A: HSS PROGRAM STAFFING

Applicant Name:

I. Applicant Staff

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart A: HSS PROGRAM STAFFING

Applicant Name:

I. Applicant Staff

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II.CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program
III.Contract Administrator		
Budget Line Item 9300 Contract Administrator		

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Chart B: HSS Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

HUD-2002-ROSS (02/02)

OMB Approval No. 2577-0221

ROSS FY 2002 FUNDING
HOMEOWNERSHIP SUPPORTIVE SERVICES

Chart C
HSS SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator**	_____
2060	**Self Sufficiency Program**	_____
2061	Program Coordinator	_____
2062	Physical Improvements	_____
2063	Employment and Job Readiness	_____
2064	Job Training	_____
2065	Management Related Employment Training	_____
2066	Vocational Training	_____
2067	Technical Assistance	_____
2070	**Family Supportive Services**	_____
2080	**Homeownership Counseling Programs**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

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CHART D: HSS Budget Work Plan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
2005 Program Coordinator TOTAL: $				
2060 Self Sufficiency Program TOTAL: $				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				

OMB Approval No. 2577-0221

CHART D: HSS Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
2067 Technical Assistance				
2070 Family Supportive Svs TOTAL: $				
2080 Homeownership Supportive Svs				
2081 Counseling Services				
2005 Program Coordinator TOTAL: $				
2870 Elderly Supportive Svs TOTAL: $				
9100 Travel Costs TOTAL: $				
9200 Other Resident Costs (Stipends, Reimbursements) TOTAL: $				

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CHART D: HSS Budget Work Plan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	HSS GRANT FUNDS	NON-HSS/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator TOTAL: $				
9400 Admin. & Other Costs TOTAL : $				

Chart D: HSS Budget Work Plan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	HSS GRANT TOTAL
2005 Program Coordinator	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2080 Homeownership Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all HSS Funds Requested	$

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Certification of Consistency with the RC/EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTINUUM OF CARE HOMELESS ASSISTANCE

SUPPORTIVE HOUSING

SHELTER PLUS CARE

SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY FOR HOMELESS INDIVIDUALS (SRO)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS—SUPPORTIVE HOUSING PROGRAM (SHP), SHELTER PLUS CARE (S+C), SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

PROGRAM OVERVIEW

Purpose of the Programs. The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing. An important element of meeting this objective is to fund projects that will meet the Department's goal of ending chronic homelessness.

Available Funds. Approximately $950 million.

Eligible Applicants. The chart in the Appendix A to this program section of this SuperNOFA identifies the eligible applicants for each of the three programs under the Continuum of Care.

Application Deadline. June 21, 2002.

Match. Yes.

ADDITIONAL INFORMATION

If you are interested in applying for funding under any of the Continuum of Care Homeless Assistance programs, please review carefully the General Section of the SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original containing the signed documentation and two copies) is due on or before 5:30 PM Eastern time, on June 21, 2002 to the addresses shown below.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submissions (e.g., mailed applications, express mail, or overnight delivery).

New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEX, DHL, or Falcon Carrier. *No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.*

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by HUD Headquarters on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of the four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

Addresses for Submitting Applications. To HUD Headquarters. Submit your original completed application (the application with the original signed documentation) to: Room 7270, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Attention: Continuum of Care Programs.

To the Appropriate CPD Field Office. Also submit two copies of your completed application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. The HUD Field Office must receive the two copies of your application by the deadline date as well. The determination, however, that your application was received on time will be made *solely on receipt of the application at HUD Headquarters in Washington.* Reviews will be based upon the contents of the application submitted to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929 (voice) or 1–800–HUD–2209 (TTY), or you may download an application by Internet at *http://www.hud.gov.*

For Further Information. You may contact the HUD Field Office serving your area, at the telephone number shown in Appendix A to the General Section of the SuperNOFA, or you may contact the Community Connections Information Center at 1–800–998–9999 (voice) or 1–800–HUD–2209 (TTY) or by Internet at: *http://www.hud.gov.*

For Technical Assistance. Before the application deadline, HUD staff will be available to provide you with general guidance. HUD staff, however, cannot provide you with guidance in actually preparing your application. HUD Field Office staff also will be available to help you identify organizations in your community that are involved in developing the Continuum of Care system. Following conditional selection of applications, HUD staff will be available to assist selected applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of your application pertinent to HUD's funding decision.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov.*

II. Amount Allocated

Approximately $950 million is available for this competition in FY 2002. Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards or budget transfers may be used in addition to 2002 appropriations to fund applications submitted in response to this program section of this SuperNOFA. The FY 2002 HUD Appropriation Act requires HUD to obligate all Continuum of Care homeless assistance funds by September 30, 2004. While these funds will remain available for expenditure for five years following that date, any funds that you have not used by September 30, 2009, will cease to be available altogether. In the Continuum programs, obligation occurs upon execution of the grant agreement by HUD and the grantee, or in the Section 8 Moderate Rehabilitation for

Single Room Occupancy program, execution of the Annual Contributions Contract (ACC). If you do not have a fully executed grant agreement or ACC by September 30, 2004, your award will be withdrawn. If you have not used all program funds by September 30, 2009, the funds will be deobligated. This requirement is in conflict with the statutory ten years of funding that is authorized for the Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals program, the Shelter Plus Care/SRO component program and the Shelter Plus Care with Rehabilitation component program. HUD will seek legislative authority to exempt these programs from the statutory mandate that any unexpended balances remaining in an account five years after they cease to be available for obligation are cancelled. If this legislative authority is not passed, project applicants should be aware that remaining funds will be cancelled by September 30, 2009. The funds available for the Continuum of Care program can be used under any of three programs that can assist in creating community systems for combating homelessness. The three programs are:

(1) Supportive Housing;
(2) Shelter Plus Care; and
(3) Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals.

The chart in the Appendix A to this program section of this SuperNOFA summarizes key aspects of the programs, and also provides the citations for the statutes and regulations that authorize these programs. The regulations listed in the chart provide more detailed descriptions of each of the programs.

As in previous funding availability announcements for the Continuum of Care Homeless Assistance Programs, HUD will not specify amounts for each of the three programs this year. Instead, the distribution of funds among the three programs will depend largely on locally determined priorities and overall demand. Local priorities notwithstanding, the FY 2002 HUD Appropriations Act requires that not less than 30 percent of this year's $1.123 billion Homeless Assistance Grants appropriation, excluding amounts provided for one-year renewals under the Shelter Plus Care Program, must be used for permanent housing projects. For the purposes of this 2002 NOFA, HUD is estimating that $118 million of the appropriation will be provided for one-year Shelter Plus Care Program renewals. (See Sections V(A)(5)(b) and V(A)(8) of this program section of the SuperNOFA for additional information.) Since this permanent housing set-aside requirement is expected to continue to be part of future competitions and may affect project funding selections as described below, you are strongly encouraged to begin planning as soon as possible for new permanent housing projects to be included as part of your submission in this and future competitions.

Under the FY 2002 HUD Appropriations Act, eligible Shelter Plus Care Program grants whose terms are expiring in FY2003 and Shelter Plus Care Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in FY 2003 will be renewed for one year provided that they are determined to be needed by the Continuum of Care as evidenced by their inclusion on the priority chart. These projects must also meet the applicant and sponsor eligibility and capacity requirements described in Section V(A)(1) of this NOFA. However, these S+C renewal projects will not count against a continuum's pro rata need amount. On the other hand, no S+C renewal adjustment will be made to a Continuum of Care's pro rata need amount since these projects are being funded outside of the competition. Please be advised that Shelter Plus Care renewal applications which are not submitted as part of either a ''consolidated'' or ''associated'' Continuum of Care application will not be considered as eligible for funding. (See Section VI for a description of the three options for submitting applications.)

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description.

(1) *Developing Continuum of Care Systems.* The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons, especially the chronically homeless, to move to self-sufficiency and permanent housing. The process of developing a Continuum of Care system to assist homeless persons is part of the community's larger effort of developing a Consolidated Plan. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshal its varied resources—community and economic development resources, social service resources, housing and homeless assistance resources—and use them in a coordinated and effective manner. The Consolidated Plan, including the Analysis of Impediments to Fair Housing Choice, serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

In addition to prevention, a Continuum of Care system consists of four basic components:

(a) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

(b) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(c) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(d) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

A Continuum of Care system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations and other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons. To ensure that the Continuum of Care system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans. A Continuum of Care system should address the specific needs of each homeless subpopulation: the jobless, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with co-occurring diagnoses, victims of domestic violence, youth, and any others. The term ''co-occurring diagnoses'' may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types.

Your application is more likely to be given a high score under the Continuum of Care scoring factors if the application demonstrates the achievement of three basic goals:

• That you have provided maximum participation by nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations and other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons.

• That you have created, maintained and built upon a community-wide inventory of housing and services for homeless families and individuals; identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing.

• That you have instituted a Continuum of Care-wide strategy to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless individuals and families may be eligible. These programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program, and Veterans Health Care.

Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the Continuum of Care process in a community has failed to follow locally established or accepted procedures governing the conduct of that process or has failed to provide for a fair process, including a project priority selection process that gives equal consideration to projects proposed by nonprofit organizations, HUD reserves the authority to impose sanctions up to and including a prohibition on that entity and the individuals comprising that entity from participating in that capacity in the future. In making this determination, HUD will consider as evidence court proceedings and decisions, or the determinations of other independent and impartial review bodies. This authority cannot be exercised until after a description of procedural safeguards, including an opportunity for comment and appeal, and the specific process and procedures for imposing a prohibition or debarment, have been published in the **Federal Register**.

In deciding what geographic area you will cover in your Continuum of Care strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your Continuum of Care strategy when measured against the Continuum of Care rating factors described in this program section of the SuperNOFA. When you determine what jurisdictions to include in your Continuum of Care strategy area, include only those jurisdictions that are involved in the development and implementation of the Continuum of Care strategy.

The more jurisdictions you include in the Continuum of Care strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V (A)(5) of this program section of the SuperNOFA). However, it would be a mistake to include jurisdictions that are not fully involved in the development and implementation of the Continuum of Care strategy since this would adversely affect the Continuum of Care score. If you are a rural county, you may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county Continuum of Care strategy covering the combined service areas of these counties.

Since the basic concept of a Continuum of Care strategy is to create a single, coordinated, inclusive homeless assistance system for an area, the areas covered by Continuum of Care strategies should not overlap. If the geography included in your Continuum of Care strategy geographically overlaps to the extent that it competes with another application, projects within the Continuum of Care application that receive the highest Continuum of Care score will be eligible for up to 40 Need points. Projects in the competing Continuum of Care application with the lower Continuum of Care score will be eligible for only 10 Need points. In no case will the same geographical area be used more than one time in assigning Need points. The local HUD Field Office can help you determine if any of the areas proposed for inclusion by your Continuum of Care system is also likely to be claimed under another Continuum of Care system in this competition.

(2) *Prioritizing.* In HUD's view, project priority decisions are best made through a local process, which includes nonprofit organizations, and are key to the ultimate goal of reducing homelessness. Again this year, you must list all projects proposed for funding in priority order from the highest priority to the lowest, and indicate the applicant, project sponsor, and term for each project. Generally, this priority order will mean, for example, that if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first eight eligible projects listed, except as may be necessary to achieve the 30 percent overall permanent housing requirement—in which case higher priority non-permanent housing projects may be skipped over to fund lower priority permanent housing projects. Since you are now able to closely calculate your Continuum of Care's total pro rata need amount using information provided to you from HUD, and now that you no longer need to carry the large cost burden imposed by Shelter Plus Care five-year renewals, the tiering of projects (splitting into two or more projects by year or by units) on your priority list is not permitted.

To promote permanent housing, a special incentive is being provided to Continuum of Care systems that place an eligible, new permanent housing project in the number one priority slot on the priority list. See Section V (A)(5)(b) of this program section of the SuperNOFA for a description of this incentive.

HUD will use this priority list to award up to 40 points per project under the ''Need'' scoring factors. Higher priority projects will receive more points under Need than lower priority projects. A project priority chart is included in the application kit and you should complete and submit it. If you do not submit clear project priority designations for the continuum, or if HUD, at its sole discretion, cannot determine priority designations, then HUD will give all projects the lowest score for Need.

(3) *Project renewals.* If your Supportive Housing or Shelter Plus Care grant will be expiring in calendar year 2003, or if your Shelter Plus Care Program grant has been extended beyond its original five-year term and is projected to run out of funds in FY 2003, you must apply under this Continuum of Care program section of the SuperNOFA to get continued funding.

Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2003. HUD will not fund competitive renewals out of order on the priority list except as may be necessary to achieve the 30 percent overall permanent housing requirement. HUD reserves the authority to use FY 2003 funds, if available, to conditionally select for one year of funding lower-

rated eligible SHP renewal projects that are assigned 40 need points in either a ''consolidated'' or ''associated'' Continuum of Care application receiving at least 20 points under the Continuum of Care scoring factor that would not otherwise receive funding for these projects.

It is important that SHP renewals and Shelter Plus Care non-competitive renewals meet minimum project eligibility and capacity standards identified in this program section of the SuperNOFA or they will be rejected from consideration for either competitive or non-competitive funding.

For the renewal of a Supportive Housing Program project, you may request funding for one (1), two (2) or three (3) years. The total amount of the request cannot exceed the average yearly amount received in total for leasing, supportive services, and/or operations for the grant being renewed, plus up to five percent for administration.

For the renewal of a Shelter Plus Care project, the grant term will be one (1) year, as specified by Congress. For Shelter Plus Care renewals, you may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable current Fair Market Rent(s) by 12 months, except that for Shelter Plus Care grants having been awarded one year of renewal funding in 2001, the number of units requested for renewal this year may not exceed the number of units funded in 2001. While full funding of existing grants may be requested, there is no guarantee that the entire amount will be awarded. As is the case with SHP, HUD will recapture Shelter Plus Care grant funds remaining unspent at the end of the previous grant period when it renews a grant. The one-year term of non-competitively awarded Shelter Plus Care renewal projects may not be extended.

This program section of the SuperNOFA is not applicable to the renewal of funding under the SRO program. For further guidance on SRO renewals, please contact your local HUD Field Office.

As a project applicant, you are eligible to apply for renewal of a grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply for renewal of these projects. HUD will reject applications for renewal submitted by ineligible applicants. If you have questions about your eligibility to apply for project renewal, contact the local HUD field office. To be considered an applicant when applying as part of a ''consolidated'' application, you must be an eligible applicant for the program for which you are applying, and you must submit an originally signed Form SF–424 and the necessary certifications and assurances. (See Section VI for a description of the three options for submitting an application.) Only public housing authorities and private nonprofits are eligible applicants for the Section 8 Moderate Rehabilitation for Single Room Occupancy program. If you are a unit of general local government acting as an applicant for a consolidated application and plan to include a request for Section 8 SRO funds, you must have a public housing authority or nonprofit listed as the Section 8 SRO applicant and they must submit a signed Form SF–424, along with all necessary certifications and assurances applicable to the Section 8 SRO project.

(B) Eligible Applicants

See Appendix A.

(C) Eligible Activities

See Appendix A.

IV. Program Requirements

(A) Conducting Business In Accordance With Core Values and Ethical Standards

See Section II(A)(2) of General Section of the SuperNOFA.

(B) Statutory and Regulatory Requirements

If your project is selected for funding as a result of the competition, you will be required to coordinate and integrate your homeless program with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program and Veterans Health Care. In addition, as a condition for award, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. This condition for award is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act funds to assist such persons in lieu of State and local resources.

(C) Program specific requirements follow:

(1) *SRO Program.* As an applicant, you need to know that the following limitations apply to the Section 8 SRO program:

- Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units;
- Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance;
- Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Housing Quality Standards.
- Under section 441(e) of the McKinney-Vento Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments Contract. For purposes of Fiscal Year 2002 funding, the cost limitation is raised from $18,200 to $18,500 per unit to take into account increases in construction costs during the past 12-month period.
- The SRO Program is subject to the Federal labor standards provisions at 24 CFR part 882, subpart H.
- Individuals assisted through the SRO Program must meet the definition of homeless individual found at section 103 of the McKinney-Vento Act.

(2) *Shelter Plus Care/SRO Component.* With regard to the SRO component of the Shelter Plus Care program, if you are a State or a unit of general local government, you must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

(3) *Supportive Housing Program.* Please be advised that where an applicant for Supportive Housing Program funding is a State or unit of general local government that utilizes one or more nonprofit organizations to

administer the homeless assistance project(s), administrative funds provided as part of the SHP grant must be passed on to the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). HUD will consider States or units of general local government that pass on at least 50 percent of the administrative funds made available under the grant as having met this requirement which was contained in the congressional committees' report accompanying the FY 2001 HUD Appropriations Act. This requirement does not apply to either the SRO Program, since no administrative funds are provided as part of the grant, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

(D) Match

You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of funds from other sources; for operating costs, since by law SHP can pay no more than 75% of the total operating budget for supportive housing, you must provide at least 25% of the annual operating costs. In addition, you must provide a 25% cash match of all SHP funding for supportive services. The cash source may be you, the Federal Government, State and local governments, or private resources. You must match rental assistance provided through the Shelter Plus Care Program in the aggregate with supportive services.

(E) Timeliness Standards

As an applicant, you are expected to initiate your approved projects promptly in accordance with Section II of this NOFA. In addition, HUD may take action if you fail to satisfy the following timeliness standards:

(1) Supportive Housing Program

- HUD will deselect your award if you do not demonstrate site control within one (1) year of the date of your grant award letter, as required by the McKinney-Vento Act at 42 U.S.C. 11386(a)(3) and implemented in program regulations at 24 CFR 583.320(a).
- HUD may deobligate SHP funds if the following additional timeliness standards are not met:

—You must begin construction activities within eighteen (18) months of the date of HUD's grant award letter and complete them within thirty-six (36) months after that notification.

—For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, you must begin these activities within three (3) months after you complete construction.

—You must begin all activities that may proceed independent of construction activities within twelve (12) months of the date of HUD's grant award letter.

(2) Shelter Plus Care Program Components Except SRO Component

HUD may deobligate S+C funds if you do not meet the following timeliness standards:

- For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, you must start the rental assistance within twelve (12) months of the date of HUD's grant award letter.
- For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of the date of HUD's grant award letter.

(3) SRO Program and SRO Component of the Shelter Plus Care Program

For projects carried out under the SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the Housing Assistance Payments contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in HUD's determination, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

V. Application Selection Process

(A) *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP). The standard factors for award identified in the General Section of this SuperNOFA have been modified in this program section as described below. Only the factors described in this program section—Continuum of Care and Need—will be used to assign points. To review and rate applications, HUD may establish panels. In order to obtain certain expertise and outside points of view, including views from other Federal agencies, these panels may include persons not currently employed by HUD. Two types of reviews will be conducted. Paragraphs (1) and (2) below describe threshold reviews and paragraphs (3) and (4) describe factors—Continuum of Care and Need—that will be used to assign points. Up to 104 points (including 2 bonus points for RC/EZ/EC communities described in Section III (C)(1), and 2 bonus points for the court-ordered consideration described in Section III (C)(3), of the General Section of the SuperNOFA) will be assigned using these factors.

(1) *Applicant and sponsor eligibility and capacity.* HUD will review your capacity as the applicant and project sponsor to ensure the eligibility and capacity standards in this section are met. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility and capacity standards are:

- You must be eligible to apply for the specific program;
- You must demonstrate ability to carry out the project(s). With respect to each proposed project, this means that in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery;
- If you or the project sponsors are current or past recipients of assistance under a HUD McKinney-Vento Act program, there must have been no delay in implementing projects exceeding applicable program timeliness standards that HUD determines is within your or the project sponsor's control, no unresolved HUD finding, or no outstanding audit finding of a material nature regarding the administration of the program; and
- You and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of Section II(B) of the General Section of the SuperNOFA.

(2) *Project eligibility.* HUD will review projects to determine if they meet the following eligibility standards. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

- The population to be served must meet the eligibility requirements of the specific program, as described in this program section;
- At least one of the activities for which assistance is requested must be eligible under the specific program, as described in the program regulations;

• The project must be cost-effective in HUD's opinion, including costs associated with construction, operations, administration, and supportive services with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity;

• For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application. Tenants returning after having vacated their units during the rehabilitation period are not eligible to receive rental assistance under the SRO Program since they do not meet the McKinney-Vento Act definition of homeless individual; and

• For those projects proposed under the SHP innovative category: Whether or not a project is considered innovative will be determined on the basis that the particular approach proposed is new and can be replicated.

(3) *Project quality.* HUD will review projects to determine if they meet the following quality standards. The housing and services proposed must be appropriate to the needs of the persons to be served. HUD may find a project to be inappropriate if:

• The type, scale and general location of the housing or services do not fit the needs of the proposed participants. A S+C or SHP project renewal will be considered as having met this requirement through its previously approved grant application.

• A specific plan for ensuring that clients will be assisted to obtain the benefits of the mainstream health, social service, and employment programs for which they are eligible is not provided. A S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• Housing accessibility for persons with disabilities will not be provided as required by applicable laws. A SHP or S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• The description of supportive services only projects, and all others, do not show how participants will be helped to access permanent housing and achieve self-sufficiency. A S+C project renewal will be considered as having met this requirement through its previously approved grant application;

• Renewal projects must evidence satisfactory performance for their existing grant in HUD's opinion based upon the substantial achievement of their program goals as reflected in their most recent Annual Progress Report. (New projects funded for one year in 2001 are not subject to this requirement.);

• Renewal projects do not evidence that they have assisted clients to obtain the benefits of the mainstream health, social service, and employment programs for which they were eligible as evidenced in their most recent Annual Progress Report;

(4) *Continuum of Care.* HUD will award up to 60 points as follows:

(a) *Process and Strategy.* HUD will award up to 20 points based on the extent to which your application demonstrates:

• The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a Continuum of Care strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, faith-based and other community-based organizations, and other groups serving homeless persons), State and local governmental agencies, public housing authorities, housing developers and service providers, law enforcement, hospital and medical entities, funding providers, local businesses and business associations, and homeless or formerly homeless persons; and

• That a well-defined and comprehensive strategy has been developed which addresses the components of a Continuum of Care system (i.e., prevention, outreach, intake, and assessment; emergency shelter; transitional housing; permanent and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (e.g., seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) *Gaps and Priorities.* HUD will award up to 20 points based on the extent to which your application:

(i) Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately; and

(ii) Proposes projects that are not inconsistent with the gaps analysis described in the Continuum of Care strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

When HUD reviews a community's Continuum of Care to determine the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list. (See discussion on renewals in Section III(A)(3) of this NOFA.)

(c) *Supplemental Resources.* HUD will award up to 15 points based on the extent to which your application incorporates mainstream resources and demonstrates leveraging of funds requested under this program section of the SuperNOFA with other resources, including private, other public, and mainstream services and housing programs. To achieve the highest rating for this factor, applicants must evidence explicit Continuum of Care-wide strategies to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless populations may be eligible. These include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, the Welfare-to-Work grant program, and Veterans Health Care.

(d) *Emphasis on housing.* HUD will award up to 5 points based upon the relationship between funds requested for housing activities and funds requested for supportive service activities among projects assigned 40 need points (excluding Shelter Plus Care renewals). Points will be awarded on a sliding scale with the Continuums with the highest percentage of approvable requests for funds for housing activities receiving the highest points. To receive points, the Continuum must have a total amount of approvable funds for housing activities that is at least 50 percent of funds for all approvable projects that are assigned 40 need points (excluding Shelter Plus Care renewals). HUD will count as housing activity all approvable funds for rental assistance and approvable funds for acquisition, rehabilitation, construction, leasing and operations when used in connection with housing.

(e) *EZ/EC bonus points.* As provided for in Section III(C)(1) of the General Section of this SuperNOFA, HUD will add a bonus of up to 2 points to the Continuum of Care score when: (1) At least one proposed homeless assistance project will be located within the boundaries and/or will principally serve the residents of a federal Empowerment Zone, Enterprise Community, Enhanced Enterprise Community, Strategic

Planning Community or Renewal Community (collectively ''EZ/EC''); and (2) if priority placement will be given by the project(s) to homeless persons living on the streets or in shelters within the EZ/EC, or whose last known address was within the EZ/EC. In addition, and in order for a Continuum of Care system to receive any of the bonus points, the applicant must specifically state how it meets the requirements for the two EZ/EC bonus points, and provide a narrative describing the extent of the linkages and coordination between proposed projects and the EZ/EC. Examples of such coordination include having common board or committee membership (EZ/EC and Continuum of Care), and having EZ/EC resources directed toward Continuum of Care activities. The greater the extent of EZ/EC involvement in, and coordination with, the implementation strategy for the Continuum of Care system and projects, the greater the likelihood that bonus points will be awarded.

(f) *Court-ordered consideration.* Section III(C)(3) of the General Section is applicable to this program.

(5) *Need.* HUD will award up to 40 points for need. There is a three-step approach to determining the need scores to be awarded to projects:

(a) *Determining relative need:* To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants program: data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those factors to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this program section of the SuperNOFA.

(b) *Applying relative need:* HUD will then apply that relative need index to the total amount of funding estimated to be competitively available under this program section of the SuperNOFA to determine a jurisdiction's pro rata need. However, in order to promote permanent housing for the homeless, if a Continuum of Care's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's eligible activities, up to the lesser of 100 percent of the Continuum of Care's preliminary pro rata need or $500,000, will be added to the final pro rata need amount for the Continuum. HUD also reserves the right to adjust pro rata need, if necessary, to address SHP project renewals.

(c) *Awarding need points to projects:* Once the pro rata need is established, it is applied against the priority project list in the application. Starting from the highest priority project, HUD proceeds down the list to award need points to each project. An eligible project will receive the full 40 points for need if at least one half of its requested amount falls within the pro rata need amount for that Continuum of Care (COC). Thereafter, HUD proceeds further down the priority project list and awards 15 points for need to each project if at least one half of its requested amount falls within the ''second tier'' of pro rata need amount for that Continuum of Care. The ''second tier'' is the amount between the pro rata need and twice the pro rata need for the COC. Remaining projects each receive 10 points. If projects are not prioritized for the Continuum, then all projects will receive 10 points for Need.

In the case of competing applications from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for Continuum of Care are eligible for up to 40 points under Need. Projects in the competing applications with lower Continuum of Care scores are eligible for only 10 points under Need.

(6) *Ranking.* HUD will add the score for Continuum of Care to the Need score and EZ/EC bonus points, if any, to obtain a total score for each project. The projects will then be ranked from highest to lowest according to the total combined score.

(7) *Conditional Selection and Adjustments to Funding.*

(a) *Conditional Selection.* Whether a project is conditionally selected, as described in Section V (B) below, will depend on its overall ranking compared to others, except that HUD reserves the right to select lower rated eligible projects in order to meet the 30 percent overall permanent housing requirement. (See Section V (A)(8) for additional selection information.)

When insufficient funds remain to fund all projects in the competition having the same total score, HUD will first fund permanent housing projects if necessary to achieve the 30 percent overall permanent housing requirement. HUD will then break ties among the remaining projects with the same total score by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall Continuum of Care score, COC Process and Strategy, COC Gaps and Priorities, and COC Supplemental Resources. The final tie-breaking factor is the priority number of the competing projects on the applicable COC priority list(s).

(b) *Adjustments to Funding.* The Secretary of HUD has determined that geographic diversity is appropriate to carrying out homeless assistance programs in an effective manner. HUD believes that geographic diversity can be achieved best by awarding grants to as many COCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa does not have at least one funded COC, HUD reserves the right to fund eligible project(s) receiving 40 Need points in the COC with the highest total score in that jurisdiction. To qualify for funding, the total score for these first tier projects on the COC priority list must be at least 65 points. In the case of two or more COCs with the same total score, HUD will use the tie-breaking rules described above. In addition, if the highest priority project passing threshold requirements within a COC fails to meet the criteria for receiving 40 Need points, HUD reserves the right to reduce the total requested amount for that project to allow it to qualify for 40 Need points. Finally, if the total amount that would be awarded for first tier projects in a Continuum of Care exceeds the final pro rata need amount for that COC by more than $250,000, the lowest priority first tier project being selected for funding will be reduced to the level necessary to ensure that the total amount being awarded for such projects does not exceed the final pro rata need amount by more than $250,000. HUD may otherwise adjust funding of applications in accordance with the provisions of Section III(E) of the General Section of the SuperNOFA. In addition, HUD reserves the right to ensure that a project that is applying for, and eligible for, selection under this competition is not awarded funds that duplicate activities.

(8) *Additional selection considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2002 Appropriation Act for HUD (Pub.L. 107–73, approved November 26, 2001; 115 Stat. 651), HUD will use not less than 30 percent of the total FY 2002 Homeless Assistance Grants appropriation, excluding amounts provided for renewals under the Shelter Plus Care Program, to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing for this purpose are: (1) New Shelter Plus Care projects, (2) Section 8 SRO projects, and (3) new and renewal

projects under the Supportive Housing Program that are designated as either permanent housing for homeless persons with disabilities or Safe Havens projects having the characteristics of permanent housing for homeless persons with disabilities, including leases with the program participants, that, in addition, have been assigned at least 15 Need points, and which are submitted as part of either a ''consolidated'' or ''associated'' Continuum of Care application receiving at least 20 points under the Continuum of Care scoring factor. However, no Continuum of Care application may receive more than 30 percent of its pro rata need, up to $3 million, for ''second-tier'' permanent housing projects assigned 15 Need points that are selected for funding under this procedure. (See Section V(A)(5)(c) for definition of ''second-tier''.) Since the FY 2002 Homeless Assistance Grants appropriation, excluding an estimated $118 million for Shelter Plus Care Program renewals, is $1.005 billion, not less than approximately $302 million must be awarded to permanent housing projects unless an insufficient number of approvable permanent housing projects are submitted. This permanent housing funding requirement may result in higher scoring non-permanent housing projects being skipped over to fund lower scoring permanent housing projects or, within a Continuum, higher priority non-permanent housing projects being skipped over to fund lower priority permanent housing projects. HUD will first skip over new non-permanent housing projects when making project selections in order to meet the 30 percent requirement. If the 30 percent requirement has not been met after skipping over the new non-permanent housing projects, then HUD will skip over non-permanent housing renewal projects. In skipping over new non-permanent housing projects, HUD will begin with the lowest rated, eligible new non-permanent project at the funding line and continue up the ranking until the 30 percent requirement is met. If HUD is required to skip over non-permanent housing renewal projects, HUD will proceed in the same way.

In accordance with section 429 of the McKinney-Vento Act, HUD will award Supportive Housing funds as follows: Not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 463(a) of the McKinney-Vento Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of Shelter Plus Care funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 455(b) of the McKinney-Vento Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney-Vento Act, no city or urban county may have Section 8 SRO projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as $10 million for Shelter Plus Care and $10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds $100 million, then the amount awarded to any one unit of general local government (for purposes of the Shelter Plus Care program) or city or urban county (for the purposes of the SRO program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this program section of the SuperNOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this program section of the SuperNOFA, that right will be exercised uniformly across all applications received in response to this program section of the SuperNOFA.

(B) *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. HUD will notify SHP, SRO, S+C and S+C/SRO applicants of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

(C) *Applicant Debriefing.* See Section VII (E)(2) of the General Section of the SuperNOFA.

VI. Application Submission Requirements

The application kit provides the application materials, including Form SF–424 and certifications, that must be used in applying for homeless assistance under this SuperNOFA. These application materials substitute for the forms, certifications, and assurances listed in Section II(H) of the General Section of the SuperNOFA (collectively, the ''standard'' forms).

In addition to the required narratives, the items that you must submit to HUD as part of the application for homeless assistance funding are the following:

(1) 2002 Application Summary Form
(2) Continuum of Care and Project Exhibits
(3) Gaps Analysis Form
(4) Project Priorities Form
(5) Project Leveraging Form
(6) EZ/EC Certification
(7) SF–424
(8) Applicant Certifications
(9) Consolidated Plan Certification(s)

The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining forms

(i.e., excluding such items as narratives), referred to as the non-standard forms, can be found in Appendix B to this program section of the SuperNOFA).

The application requires a description of the Continuum of Care system and the proposed project(s). To ensure that no applicant is afforded an advantage in the rating of the Continuum of Care element (described in Section V (A)(4) above), HUD is establishing a limitation of 25 pages, excluding required multiple page tables or charts but including any attachments, on the length of Exhibit 1 of any application submitted in response to this NOFA. HUD will not consider the contents of any pages exceeding this limit when rating the Continuum of Care element of any application. The application kit also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable State or unit of general local government, including the Analysis of Impediments to Fair Housing Choice and the Action Plan to address these impediments. Projects funded under this SuperNOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601–19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) or the Age Discrimination Act of 1974 (42 U.S.C. 6101).

There are three options for submitting an application under this program section of the SuperNOFA.

One: A ''Consolidated Application'' is submitted when a jurisdiction (or a consortium of jurisdictions) submits a single application encompassing a Continuum of Care strategy and containing all the projects within that strategy for which funding is being requested. Individual projects are contained within the one consolidated application. Grant funding may go to one entity which then administers all funded projects submitted in the application, or under this option, grant funding may go to all or any of the projects individually. Your application will specify the grantee for each project.

Two: ''Associated Applications'' are submitted when applicants plan and organize a single Continuum of Care strategy that is adopted by project sponsors or operators who choose to submit separate applications for projects while including the identical Continuum of Care strategy. In this case, project funding would go to each successful applicant individually and each would be responsible to HUD for administering its separate grant.

Three: A ''Solo Application'' is submitted when an applicant applies for a project exclusive of participation in any community-wide or region-wide Continuum of Care development process.

Options one and two are not substantively different and will be considered equally competitive. Applicants are advised that projects that are not a part of a Continuum of Care strategy will receive few, if any, points under the Continuum of Care rating factors.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications (See Section V of the General Section).

VIII. Environmental, Local Resident Employment, and Relocation Requirements

(A) *Environmental Requirements.* All Continuum of Care assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. Section 208 of Public Law 106–377 (114 Stat. 1441, approved October 27, 2000) amended section 443 of the Stewart B. McKinney-Vento Homeless Assistance Act to provide that for purposes of environmental review, Continuum of Care projects shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to HUD's regulations implementing that section. The effect of this provision is that environmental reviews for Continuum of Care activities are to be completed by responsible entities (States or units of general local government) in accordance with 24 CFR part 58, whether or not the applicant is itself a State or a unit of general local government. Applicants (such as PHAs or nonprofit organizations) that are not States or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision supersedes those portions of 24 CFR 582.230 and 583.230 that provide for automatic HUD environmental review in the case of applications from such entities. With this exception, conditional selection of projects under the Continuum of Care Program is subject to the environmental review requirements of 24 CFR 582.230, 583.230, and 882.804(c), as applicable. Recipients may not commit or expend any Continuum of Care assistance or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of Continuum of Care assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment.* To the extent that any housing assistance (including rental assistance) funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(C) *Relocation.* The SHP, S+C, and SRO programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). These requirements are explained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Any person or family that moves, even temporarily, as a direct result of acquisition, rehabilitation or demolition for a project that is assisted through one of these programs (whether or not HUD funded the acquisition, rehabilitation or demolition) is entitled to relocation assistance. Displacement that results from leasing a unit in a structure may also trigger relocation requirements. Relocation assistance can be expensive. To avoid unnecessary costs, it is important to provide occupants with timely information notices, including a general information notice to be sent at

the time the application is submitted to HUD. HUD Handbook 1378 contains guideform information notices. The HUD field office can provide a copy of the handbook and copies of appropriate information booklets to be provided to occupants. Accordingly, if the site is occupied, the applicant should contact the HUD field office in the planning stage to obtain advice, including help in estimating the cost of required relocation assistance.

IX. Authority

The Supportive Housing Program is authorized by title IV, subtitle C, of the Stewart B. McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), 42 U.S.C. 11381. Funds made available under this program section of the SuperNOFA for the Supportive Housing Program are subject to the program regulations at 24 CFR part 583.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney-Vento Act, 42 U.S.C. 11403. Funds made available under this program section of the SuperNOFA for the Shelter Plus Care program are subject to the program regulations at 24 CFR part 582.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (SRO) is authorized by section 441 of the McKinney-Vento Act, 42 U.S.C. 11401. Funds made available under this NOFA for the SRO program are subject to the program regulations at 24 CFR part 882, subpart H.

BILLING CODE 4210–32–P

APPENDIX A
CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

ELEMENTS	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act	Subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act	Section 441 of the McKinney-Vento Homeless Assistance Act
IMPLEMENTING REGULATIONS	24 CFR part 583	24 CFR part 582	24 CFR part 882
ELIGIBLE APPLICANT(S)	• State • Units of general local government • Special purpose units of government such as public housing agencies (PHAs) • Private nonprofit organizations • CMHCs that are public nonprofit organizations	• States • Unites of general local governments • PHAs	• PHAs • Private nonprofit organizations
ELIGIBLE COMPONENTS	• Transitional housing • Permanent housing for disabled persons only • Supportive services not in conjunction with supportive housing • Safe Havens • Innovative supportive housing	• Tenant-based • Sponsor-based • Project-based • SRO-based	• SRO housing
ELIGIBLE ACTIVITIES **See footnotes 1,2 and 3**	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental assistance
ELIGIBLLE POPULATIONS **See footnote 2**	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals & their families	• Homeless individuals
POPULATIONS GIVEN SPECIAL CONSIDERATION	• Homeless persons with disabilities • Homeless families with children	Homeless persons who: • Are seriously mentally ill • Have chronic problems with alcohol and/or drugs • Have AIDs & related diseases	N/A
INITIAL TERM OF ASSISTANCE	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO, and PRA with rehab	10 years

Footnote 1: Homeless prevention activities are statutorily ineligible under these programs.

Footnote 2: Persons at risk of homelessness are statutorily ineligible for assistance under these programs.

Footnote 3: Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible for assistance under Shelter Plus Care and Section 8 SRO.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

PROGRAM OVERVIEW

Purpose of the Program. This program provides supportive housing for very low-income persons 62 years of age or older.

Available Funds. Approximately $485.6 million.

Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives (see Section III(B) of this NOFA). (See Section VIII of this NOFA for information regarding the formation of the Owner corporation.)

Eligible Activities. New construction, rehabilitation, or acquisition of housing with or without rehabilitation (see Section III(C) of this NOFA).

Application Deadline. June 5, 2002.

Match Requirements. No.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications on or before 6 p.m., local time, on June 5, 2002 at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the submission of applications to HUD Field Offices. Only Section 202 applications mailed by United States Postal Service (USPS) will be accepted.

Address for Submitting Applications. Submit your completed application (an original and four copies are required) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800–HUD–8929 and from the Internet through the HUD web site at *http://www.hud.gov/grants.* Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

For Application Kits. For an application kit and any supplemental materials, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Section 202 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at *http://www.hud.gov/grants* and from the appropriate Multifamily Hub or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Evelyn Berry at HUD Headquarters at (202) 708–2866, or access the Internet at *http://www.hud.gov/grants.* Persons with hearing and speech challenges may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

HUD encourages minority organizations and grassroots organizations (e.g., civic organizations, congregations and faith-based and other community-based organizations) to participate in this program and strongly recommends that prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to ensure that any necessary arrangements can be made to enable your attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/grants.*

II. Amount Allocated

For FY 2002, $ 485,585,696 is available for capital advances for the supportive housing for the elderly program. The FY 2002 HUD Appropriations Act, Pub. L. 107–73, approved November 26, 2001, (HUD Appropriations Act) provides $683,286,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959. Of this amount, $600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 202 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR

791.402(a). The FY 2002 formula consists of one data element: A measure of the number of one and two person elderly renter households with incomes at or below HUD's Very-low Income Limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size), which have housing deficiencies. The counts of elderly renter households with housing deficiencies were taken from a special tabulation of the 1990 Decennial Census. The formula focuses the allocation on targeting the funds based on the unmet needs of elderly renter households with housing problems.

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each HUD Office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below.

Note: The allocations for metropolitan and nonmetropolitan portions of the Multifamily Hub or Program Center jurisdictions reflect the most current definitions of metropolitan and nonmetropolitan areas, as defined by the Office of Management and Budget.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of elderly renter households in the respective metropolitan and nonmetropolitan portion of the jurisdiction by the total number of elderly rental households in the metropolitan and nonmetropolitan portions of the United States. The resulting percentage for each local HUD Office jurisdiction is then adjusted to reflect the relative cost of providing housing among the HUD Office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide. Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

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ATTACHMENT 1

FY 2002 SECTION 202 ALLOCATIONS BY FIELD OFFICE						
	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
BOSTON HUB						
BOSTON	182	17,095,800	9	871,849	191	17,967,649
HARTFORD	90	8,323,282	5	462,656	95	8,785,938
MANCHESTER	46	3.419,646	36	2,619,501	82	6,039,147
PROVIDENCE	53	4,946,196	5	467,631	58	5,413,827
TOTAL	371	33,784,924	55	4,421,637	426	38,206,561
NEW YORK HUB						
NEW YORK	445	52,963,795	5	594,489	450	53,558,284
BUFFALO HUB						
BUFFALO	139	11,586,210	27	2,281,610	166	13,867,820
PHILADELPHIA HUB						
CHARLESTON	20	1,432,742	17	1,253,338	37	2,686,080
NEWARK	209	20,455,274			209	20,455,274
PHILADELPHIA	175	15,167,280	22	1,883,785	197	17,051,065
PITTSBURGH	89	6,708,139	19	1,400,751	108	8,108,890
TOTAL	493	43,763,435	58	4,537,874	551	48,301,309
BALTIMORE HUB						
BALTIMORE	75	5,813,649	10	795,860	85	6,609,509
RICHMOND	72	4,900,280	25	1,659,129	97	6,559,409
WASHINGTON	77	6,343,979			77	6,343,979
TOTAL	224	17,057,908	35	2,454,989	259	19,512,897

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
GREENSBORO HUB						
COLUMBIA	50	3,577,352	19	1,347,983	69	4,925,335
GREENSBORO	83	7,136,248	40	3,392,949	123	10,529,197
TOTAL	133	10,713,600	59	4,740,932	192	15,454,532
ATLANTA HUB						
ATLANTA	84	5,583,511	37	2,485,079	121	8,068,590
KNOXVILLE	39	2,544,398	12	767,283	51	3,311,681
LOUISVILLE	52	3,673,056	29	2,031,880	81	5,704,936
NASHVILLE	56	3,691,879	20	1,323,179	76	5,015,058
SAN JUAN	42	4,206,569	14	1,428,319	56	5,634,888
TOTAL	273	19,699,413	112	8,035,740	385	27,735,153
JACKSONVILLE HUB						
BIRMINGHAM	64	4,202,269	25	1,675,945	89	5,878,214
JACKSON	20	1,273,549	31	1,996,275	51	3,269,824
JACKSONVILLE	263	17,005,562	16	1,006,576	279	18,012,138
TOTAL	347	22,481,380	72	4,678,796	419	27,160,176
CHICAGO HUB						
CHICAGO	229	20,860,254	35	3,208,125	264	24,068,379
INDIANAPOLIS	85	6,085,240	24	1,750,973	109	7,836,213
TOTAL	314	26,945,494	59	4,959,098	373	31,904,592
COLUMBUS HUB						
CINCINNATI	68	4,757,977	5	350,723	73	5,108,700
CLEVELAND	113	8,804,341	15	1,180,209	128	9,984,550
COLUMBUS	51	3,518,332	18	1,260,390	69	4,778,722
TOTAL	232	17,080,650	38	2,791,322	270	19,871,972

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
DETROIT HUB						
DETROIT	119	9,784,106	9	732,309	128	10,516,415
GRAND RAPIDS	47	3,260,631	19	1,326,569	66	4,587,200
TOTAL	166	13,044,737	28	2,058,878	194	15,103,615
MINNEAPOLIS HUB						
MINNEAPOLIS	79	6,762,238	30	2,532,642	109	9,294,880
MILWAUKEE	90	7,352,513	32	2,658,828	122	10,011,341
TOTAL	169	14,114,751	62	5,191,470	231	19,306,221
FT. WORTH HUB						
FT. WORTH	111	7,291,523	33	2,149,978	144	9,441,501
HOUSTON	71	4,632,362	12	814,571	83	5,446,933
LITTLE ROCK	38	2,290,047	28	1,685,013	66	3,975,060
NEW ORLEANS	72	4,537,849	17	1,062,119	89	5,599,968
SAN ANTONIO	61	3,759,266	13	801,214	74	4,560,480
TOTAL	353	22,511,047	103	6,512,895	456	29,023,942
KANSAS CITY HUB						
DES MOINES	39	2,677,581	29	2,009,507	68	4,687,088
KANSAS CITY	66	4,803,339	29	2,033,464	95	6,836,803
OKLAHOMA CITY	47	2,969,922	23	1,417,292	70	4,387,214
OMAHA	20	1,462,591	16	1,162,010	36	2,624,601
ST LOUIS	63	5,114,191	21	1,733,176	84	6,847,367
TOTAL	235	17,027,624	118	8,355,449	353	25,383,073
DENVER HUB						
DENVER	85	6,447,806	41	2,836,584	126	9,284,390

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
SAN FRANCISCO HUB						
SAN FRANCISCO	189	21,226,464	12	1,214,906	201	22,441,370
HONOLULU	20	3,581,856	5	895,464	25	4,477,320
PHOENIX	64	4,365,093	10	694,269	74	5,059,362
SACRAMENTO	63	5,634,521	11	998,142	74	6,632,663
TOTAL	336	34,807,934	38	3,802,781	374	38,610,715
LOS ANGELES HUB						
LOS ANGELES	372	32,775,813	5	440,270	377	33,216,083
SEATTLE HUB						
SEATTLE	84	7,285,506	17	1,505,772	101	8,791,278
ANCHORAGE	20	3,581,856	5	895,464	25	4,477,320
PORTLAND	65	5,073,957	23	1,741,806	88	6,815,763
TOTAL	169	15,941,319	45	4,143,042	214	20,084,361
NATIONAL TOTAL	4,856	412,747,840	960	72,837,856	5,816	485,585,696

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used for the construction or rehabilitation of a structure, or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC). Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

Project rental assistance contract (PRAC) funds are used to cover the difference between what the residents pay for rent and the HUD-approved expense to operate the project. PRAC funds may also be used to provide supportive services and to hire a service coordinator in those projects serving the frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

(B) *Eligible Applicants.* Private nonprofit organizations and nonprofit consumer cooperatives are the only eligible applicants under this Section 202 Program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD Offices. Also, no single application may propose more than the number of units allocated to a HUD office or 125 units, whichever is less. Reservations for projects will not be approved for fewer than 5 units. If the proposed project will be a scattered-site development, the 5-unit minimum requirement will apply to each site. Affiliated entities that submit separate applications are considered to be a single entity for the purpose of these limits.

(C) *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition of housing with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 202 funding sources to develop additional units for a mixed-finance or mixed-used project. Project rental assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents. In projects principally serving the frail elderly, eligible costs include the salary of a service coordinator.

Note: For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

(D) *Ineligible Activities.* Section 202 funds may not be used for nursing homes, infirmaries, medical facilities, mobile home projects, community centers, headquarters for organizations for the elderly, nonhousekeeping accommodations, or refinancing of sponsor-owned facilities without rehabilitation.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that may or may not already serve elderly persons.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant, you must comply with the following requirements. By signing the Section 202 Application for a Fund Reservation, you are certifying that you, the applicant, will comply with all program requirements, including the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all Section 202 Program statutory and regulatory requirements, as listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS' comments in its review and application selection process.

(C) Development Cost Limits. (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) of this program section of the SuperNOFA, below, will be used to determine the capital advance amount to be reserved for projects for the elderly:

(a) The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you must pay for) may not exceed:

Nonelevator structures:

$41,238 per family unit without a bedroom;

$47,548 per family unit with one bedroom;

$57,344 per family unit with two bedrooms;

For elevator structures:

$43,398 per family unit without a bedroom;

$49,748 per family unit with one bedroom;

$60,493 per family unit with two bedrooms.

(b) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA, above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed $10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have

one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed $25,000.

(E) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for the elderly, you should note 24 CFR 891.120, which requires that your project meets accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally-assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible in accordance with 24 CFR 891.120 and section 504 of the Rehabilitation Act of 1973, without resulting in an infeasible project. HUD also encourages you to add accessible design features beyond those required under civil rights laws and regulations. See Section VI(C) of the General Section of this SuperNOFA, entitled ''Encouraging Accessible Design Features.''

(F) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* Section 202 Sponsors are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the General Section of this SuperNOFA. However, Sponsors are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, Section 202 applicants are required to sign a Conflict of Interest Resolution and include it in the Section 202 application package. Further, if awarded a Section 202 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 202 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

(G) *Ensuring the Participation of Small Businesses , Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 202 program is not subject to the provision of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

(H) *Fair Housing Requirements.* You must comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity. In addition, you are required to affirmatively further fair housing in conducting your program or activities in accord with Section II(D) of the General Section of the SuperNOFA entitled ''Affirmatively Furthering Fair Housing.''

(I) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* You must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons. To comply with Section 3 requirements, you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

(J) *Design and Cost Standards.* You must comply with HUD's Section 202 design and cost standards (24 CFR 891.120 and 891.210, the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(K) *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR 891.155(e)) (URA) which covers the acquisition of sites, with or without, existing structures. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation (with reasonable evidence) of the basis for the estimate.

(L) *Formation of Owner Corporation.* You must form an Owner (in accordance with 24 CFR 891.205) after issuance of the capital advance, must cause the Owner to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner to ensure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(M) *Supportive Services.* You must not require residents to accept any supportive services as a condition of occupancy.

(N) *Davis-Bacon.* You must comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

(O) *Flood Disaster Protection Act of 1973.* You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

(P) *National Environmental Policy Act.* You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b).

(Q) *Truth and Accuracy.* By signing your application, you are certifying that the information you are providing to HUD in your application under the Section 202 Program of Supportive Housing for the Elderly is true and accurate, to the best of your knowledge.

(R) *Expiration of Section 202 Funds.* The FY 2002 HUD Appropriations Act requires HUD to obligate all 202 funds appropriated for FY 2002 by September

30, 2004. Under 31 U.S.C. Section 1551, no funds can be disbursed from the account after September 30, 2009. Under Section 202, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2009, the funds even though obligated will expire and no further disbursements can be made from this account. In submitting an application you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2009. Furthermore, absent Congressional relief, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2009. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

V. Application Selection Process

(A) Review for Curable Deficiencies. You should ensure that your application is complete before submitting it to the appropriate HUD Office. HUD will screen all applications received by the deadline for curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. The following is a list of the deficiencies that will be considered curable in a Section 202 application:

Exhibits

(1) Form 92015–CA (Application Form)*
(2) (a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4) (c)(ii) Energy efficiency
(d)(i) Evidence of site control
(d)(ii) Evidence site is free of limitations, restrictions or reverters
(d)(vi) Phase I Environmental Site Assessment
(d)(vii) Letter from State Historic Preservation Officer (SHPO)
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance and Compliance with Executive Order 12372*
(b) HUD–50070, Certification of a Drug-free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(g) Conflict of Interest Resolution
(h) Resolution for Commitment to Project*

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and you will be given 14 days from the date of the HUD notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the General Section of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of that rejection with all the reasons for rejection, and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD office.

The HUD office will make a determination on an appeal before making its selection recommendations. All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating factors in Section V(D) of this Section 202 Program section of the SuperNOFA.

If an Exhibit or portion of an Exhibit listed above as curable is not discovered as a missing item until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

(C) *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score (without the addition of EC/EZ bonus points) of 70 points or more and meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for EC/EZ, will be selected based on rank order, up to and including the last application that can be funded out of each HUD office's metropolitan or nonmetropolitan allocation. HUD offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections in each allocation area, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

Once this process has been completed, HUD offices may combine their unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy described above, if necessary.

After the offices have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Offices in each Multifamily Hub will be combined. These funds will be used first to restore units to projects reduced by HUD offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than five units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD offices as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on field offices' rankings beginning with the highest rated application nationwide. However, after restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement pertaining to Section 202 funding in non-metropolitan areas. Only one application will be selected per HUD office from the national residual amount. If there are no approvable applications in other HUD offices, the process will begin with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are

selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), (B)(3)(e) and (B)(5) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a)(i) (14 points) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(a)(ii) (1 point) Your organization is a grassroots organization as defined in the General Section of this SuperNOFA.

(b) (10 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and elderly communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Appendix section of the Office of Management and Budget's (OMB) **Federal Register** Notice entitled ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' and dated October 30, 1997 (62 FR 58782–90). It can be found on the OMB Website at *www.whitehouse.gov/omb/fedreg/ombdir15.html*.

(c) (−2 points) A fund reservation you received under either the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities has been extended beyond 36 months (except if the delay was beyond your control). Examples of such delays include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

(d) (−1 point) Amendment money was required as a result of the delay (except if the delay was beyond your control).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD office. The data could include information on the number of existing Federally assisted housing units (HUD and RHS) for the elderly in the area and current occupancy in such facilities; Federally assisted housing for the elderly under construction or for which fund reservations have been issued; and in accordance with an agreement between HUD and the RHS, comments from the RHS on the demand for additional assisted housing and the possible harm to existing projects in the same housing market area. The Department will also review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how your proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between your proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d) and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) (15 points) The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e));

(a)(ii) (-1 point) HUD will deduct one (1) point from this Factor if the site(s) is not already permissively zoned for the intended use.

(b) (10 points) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. Where appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:—Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood). The term ''nonminority area'' is defined as one in which the minority population is lower than 10 percent; or

— Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(ii) For the purpose of this competition, the term ''minority

neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

— The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,
— The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,
— In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

(c) (3 points) The extent to which your proposed design will meet the special physical needs of elderly persons;

(d) (3 points) The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(e) (3 points) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve;

(f) (3 points) The extent to which the proposed supportive services meet the identified needs of the anticipated residents; and

(g) (3 points) The extent to which you demonstrate that the identified supportive services will be provided on a consistent, long-term basis.

(h) (−1 point) HUD will deduct one (1) point from the rating of this Factor if you do not include a plan for completing your project within the initial fund reservation period of 18 months.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) (5 points) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) (5 points) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Coordination, Self Sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations that will not be directly involved in the proposed project, participate or promote participation in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice), and are working toward addressing a need in a holistic and comprehensive manner to ensure that the project will not operate in isolation. This factor also addresses the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h),(B)(3)(i) and (B)(3)(j) of Section VI of this program section of the SuperNOFA.

(a) (2 points) Your involvement of elderly persons, particularly minority elderly persons, in the development of the application, and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project;

(b) (2 points) The extent to which you coordinated your application with other organizations that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(c) (2 points) The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice) to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) (2 points) The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, and improved living environments; and

(e) (2 points) The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period.

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the General Section of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(i) of Section VI of this program section of the SuperNOFA.

(E) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced pursuant to this program NOFA, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to the Director, of the Office of Multifamily Housing in the local HUD Office in which the application was filed. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Sections VI(B)(2)(a), (b), and (c) of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. HUD offices will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on the

information submitted in response to Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you will be able to submit information and exhibits you have previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 Programs, your experience in the provision of housing and services, supportive services plan, community ties, and experience serving minorities.

(B) *General Application Requirements*. Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) Form HUD–92015–CA, Application for Section 202 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a private nonprofit organization or nonprofit consumer cooperative, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS tax exemption ruling (this must be submitted by you and each Co-Sponsor, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

Note: If you received a Section 202 Fund Reservation within the last three funding cycles, you are not required to submit the documents described in paragraphs (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community in which your project will be located and to the minority and elderly communities in particular, including a description of the specific geographic area(s) in which you have served;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the elderly that you expect to serve in the proposed project;

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience; your experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description of your efforts to involve elderly persons, including minority elderly persons, in the development of the application, as well as your intent to involve elderly persons in the development and operation of the project.

(3)(g) A description of the steps you took to coordinate your application with other organizations, that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support the proposed project so that the project will provide a comprehensive and holistic solution to the needs of the elderly. Also, describe the steps you will take, if funded, to share information on solutions and outcomes relative to the development of the proposed project.

(3)(h) A description of your involvement in the community's planning process (e.g., the Consolidated Planning process, including the Analysis of Impediments to Fair Housing Choice), including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the areas of the community's planning process in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the community's planning process. If adopting the Consolidated Plan community process, consult the local HUD Office for the identification of the appropriate area.

(3)(i) A description of the practical solutions you will implement which will enable the residents of your project to achieve independent living. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include any activities that will enhance the quality of life for the residents. And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(3)(j) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period. This description should address the measures you would take should any of the following occur: (i) funding for any of the needed supportive services becomes depleted, or (ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose, or (iii) if the need for housing for the elderly wanes over time, causing vacancies in your project.

(4) Project information, including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the category or

categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; e.g., public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

Note: If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (i.e., in addition to the Section 202 units) with the use of Section 202 capital advance funds in combination with other funding sources. Specify the number of Section 202 units and the number of additional units from non-Section 202 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. You also must demonstrate your ability to proceed with the development of a Section 202 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding or HUD disapproves your proposal for mixed-financing or a mixed-use.

Note: Approval of the Section 202 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 202 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 202 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains

provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the section 202 project or from any other development team member.

(4)(d)(iii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.).

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing opportunities for minority elderly persons, thereby affirmatively furthering fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(4)(d)(v) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration. For this competition, applicants should use the racial and ethnic data categories stated in the Appendix section of the October 30, 1997, Office of Management and Budget **Federal Register** Notice (62 FR 58782–90), (*www.whitehouse.gov/omb/fedreg/ombdir15.html*) and data from the 1990 Census of Population when determining the racial and ethnic composition of the neighborhood surrounding the proposed site. Data from the 1990 Census of Population may be found at *www.factfinder.census.gov/servlet/BasicFactsServlet*.

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed, or updated, no earlier than six months prior to application deadline date. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. NOTE: You are not limited to acquiring properties from the FDIC. However, if the property is to be acquired from the FDIC, include a copy of the FDIC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II Environmental Site Assessment (ESA) by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for the application to be considered for review under this FY 2002 funding competition, you must submit this information to the local HUD office on or before July 5, 2002.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and,

(*C*) A copy of the SHPO's response, if available.

(4)(e) Provision of supportive services in the proposed facility:

(4)(e)(i) A detailed description of the supportive services proposed to be provided to the anticipated occupancy;

(4)(e)(ii) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services;

(4)(e)(iii) The manner in which such services will be provided to such persons (i.e., on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

Note: You may not require residents, as a condition of occupancy, to accept any supportive service.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD office in response to this announcement of Section 202 Program funding availability or the announcement of Section 811 Program (Supportive Housing for Persons with Disabilities) funding availability, published elsewhere in this SuperNOFA. Indicate by HUD office, the proposed location by city and State, and the number of units requested for each application. Include a list of all FY 2001 and prior year projects to which you are a party. Identify each by project number and HUD Office and include the following information: (a) Whether the project has initially closed and, if so, when; (b) if the project was older than 36 months when it initially closed or is older than 36 months now and has not initially closed, provide the reasons for the delay in closing; (c) whether amendment money was or will be needed for any project in (b) above; and (d) those projects which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit

organizations), by race/minority group, and status as owners or tenants, occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons who have moved from the site within the past 12 months.

Note: If any of the relocation costs will be funded from sources other than the section 202 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of site acquisition, relocation, construction, and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the General Section of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD–424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance, indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application , if required, to the State agency (Single Point of Contact) for state review in accordance with Executive Order 12372). (See instructions for submitting this form in the Consolidated Application Submission section of the General Section of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/ Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).* A certification attesting to the eligibility of your principals.

(7)(f) *Certification of Consistency with the Consolidated Plan (Plan), Form HUD–2991, for the jurisdiction in which the proposed project will be located.* The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(g) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

(7)(h) *A certified Board Resolution, acknowledging the responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, the resolution shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000, if nonaffiliated with a National Sponsor; one-half of one-percent of the HUD-approved capital advance, not to exceed $25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(i) *Certification of Consistency with the EZ/EC Strategic Plan, HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents. (This certification is not required if the project site(s) will not be located in an EZ/EC.)

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Formation of Owner Corporation for Development of Section 202 Projects and for Section 202 Projects Involving Mixed-Financing or a Mixed-Use Purpose.

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; i.e., all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, OR (3) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 202 units, a for-profit limited partnership with a nonprofit entity as the sole general partner.

IX. Authority

The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub.L. 102–550; approved October 28, 1992), the Rescissions Act (Pub.L. 104–19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000); and the Fiscal Year 2002 HUD Appropriations Act (Pub. L. 107–73, approved November 26, 2001).

Appendix A

Addresses for Submitting Applications

Please see Appendix A to the Section 811 Program Section of this SuperNOFA. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA. See Section I., Address for Submitting Applications, of this program NOFA, for the exceptions regarding where to file your application.

Appendix B

The non-standard forms, which follow, are required for your Section 202 Program application.

BILLING CODE 4210–32–P

APPENDIX B

TABLE OF CONTENTS

PAGE

PART I - APPLICATION FORM FOR SECTION 202 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: Form HUD-92015-CA, Application for Section 202 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: Your Legal Status

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

EXHIBIT 3: Your purpose, community ties and experience:

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large, to the target population, and description of geographic areas served _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

(e) Housing and/or supportive services experience _____

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(f) Efforts to involve target population _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's planning process including Analysis of Impediments to Fair Housing Choice:

(i) Agency that organizes/ administers the process _____

(ii) Identification of areas of community's planning process in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Description of practical solutions to be implemented _____

(j) Description of how project will remain viable _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

(c) A narrative description of the project, including:

(i) Building design _____

PAGE

(ii) Whether and how project will promote energy efficiency _____

(iii) If, applicable, description of plans and actions to create a mixed-finance/mixed-use project _____

(iv) Description of plan for completing project within 18 mth fund reservation period (optional) _____

(d) Evidence of site control and permissive zoning

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

PAGE

(C) SHPO's response, if available _____

(e) Provision of supportive services:

(i) Description of services _____

(ii) Public/private funding sources for proposed services _____

(iii) Manner in which services will be provided _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 202 or Section 811 NOFA, and required information about each _____

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Disclosure of Lobbying Activities (Standard Form LLL), if applicable _____

PAGE

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____

(e) Certification Regarding Debarment and Suspension (HUD-2992) _____

(f) Certification of Consistency with the Consolidated Plan (HUD-2991) _____

(g) Sponsor's Conflict of Interest Resolution _____

(h) Sponsor's Resolution for Commitment to Project _____

(i) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.6/30/2002)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories _____

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory _____

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

11. Check utilities and services not included in the rent and to be paid directly by the tenant

- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features

- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)

- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title Date(mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those

(2)

Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its respon-sibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the

(2)

minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ **of the Sponsor on the** _____**day of** _____, _____.

_____

Authorized Signature

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTED LIVING CONVERSION PROGRAM (ALCP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide grants for the conversion of some or all of the dwelling units in an eligible project into assisted living facilities (ALFs) for frail elderly persons.

Available Funds. Approximately $93 million are available for the conversion of eligible multifamily projects to ALFs ($50 million under the Fiscal Year 2002 Appropriations Act and $43 million in Fiscal Year 2001 carryover funds).

Eligible Applicants. Only private nonprofit project owners of eligible developments (as described in Section III of this NOFA) may apply for and become the recipient of a grant.

Application Due Dates. July 3, 2002.

Match. None required.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. Your completed application (one original and four copies) is due on July 3, 2002, at the address shown below.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact application submission procedures. See the General Section of the SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, or overnight delivery.) Only ALCP applications mailed by the United States Postal Service (USPS) will be accepted by HUD.

Addresses for Submitting Applications. The official place for receipt of your application is ONLY in the appropriate Multifamily Hub Office. Submit an original and four copies of the ALCP application to the Director of the appropriate HUD Multifamily Hub Office, as listed in Appendix A of this NOFA, with jurisdiction over your development.

Appendix B to this NOFA lists the 18 Multifamily Hubs with the Program Centers under them, to facilitate applicants knowing the correct location to send the application. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of Mailing showing the date, when you submit your application to the USPS. The Certificate of Mailing will be your documentary evidence that your application was timely filed.

For Application Kits, Further Information, and Technical Assistance.

For Application Kits. You may obtain an ALCP application kit and supplemental information by calling the SuperNOFA Information Center at (voice) 1–800–HUD–8929 (1–800–483–8929). Persons with hearing or speech impairment may call the Center's TTY number at 1–800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application kit is also available on the Internet through the HUD web site at http://www.hud.gov/grants.

Note: There is a separate application kit for service coordinator funds (which is necessary for those needing to enhance or add service coordination per Section III (B)(13) of this NOFA).

For Further Information and Technical Assistance. You should contact the Multifamily Hub where you will be mailing your ALCP Application. (Please refer to Hub telephone numbers in Appendix A.)

You also may contact Faye Norman, Housing Project Manager at (202) 708–3000 x2482 or Aretha Williams, Director, Grant Policy and Management Division, Room 6138 at (202) 708–3000 x2480 for questions regarding the ALF process. This is not a toll free number. Ms. Williams can be reached, by e-mail, at ''*aretha_m._williams@hud.gov*'' and Ms. Norman at ''*faye_l._norman@hud.gov.* Both Ms. Williams and Ms. Norman are located at the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

If you have a hearing or speech impairment, you may access the telephone number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

II. Amount Allocated

This NOFA makes available approximately $93 million (approximately $78 million for the physical conversion of eligible multifamily assisted housing projects or portions of projects to ALFs and approximately $15 million for the conversion of up to 3 unused or underutilized commercial properties to ALFs). The Fiscal Year (FY) 2002 funding of $50 million is in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act Pub.L.107–73, approved November 26, 2002). The $93 million includes $43 million in Fiscal Year 2001 carryover funds. The allocation formula used for the ALCP to fair share the $78,000,000 reflects demographic characteristics of age and incidence of frailty that would be expected for program participants. The FY 2002 formula consists of three data elements from the 1990 decennial census:

(1) The number of non-institutional elderly population aged 75 years or older with a self-care limitation,

(2) The number of non-institutional elderly population aged 75 or older with a mobility limitation, and,

(3) The number of the non-institutional elderly population aged 75 or older with both a mobility limitation and a self-care limitation. The data were taken from the 1990 Census Special Tabulation on Aging, STP–14, sponsored by the Administration on Aging, U.S. Department of Health and Human Services.

A mobility limitation is defined as a health condition that has lasted for six (6) or more months, making it difficult for the person to go outside the home alone. This includes outside activities such as shopping or visiting the doctor's office. A self-care limitation is defined as a health care limitation that has lasted for six (6) months or more which makes it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around in the home.

A fair share factor for each state was developed by taking the sum of the three elements within each state as a percentage of the sum of the three elements for the total United States. The resulting percentage for each state was then adjusted to reflect the relative difference in the cost of providing housing among the states. The total of the grant funds available ($78 million) was multiplied by the adjusted fair share percentage for each state, and the resulting funds for each state were totaled for each Hub.

The ALCP grant funds fair share allocations, based on the formula above, to the 18 multifamily Hubs are as shown on the following chart:

FISCAL YEAR ALLOCATION 2002 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS

HUB	Grant authority
Boston	4,726,439
Buffalo	2,091,360
New York	4,497,621
Philadelphia	8,527,962
Baltimore	3,183,601
Greensboro	3,276,631

FISCAL YEAR ALLOCATION 2002 FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS—Continued

HUB	Grant authority
Atlanta	5,712,662
Jacksonville	6,746,209
Chicago	5,957,418
Columbus	3,345,185
Detroit	2,733,470
Minneapolis	2,843,015
Fort Worth	5,972,447
Kansas Coty	4,841,730
Denver	1,728,217
Los Angeles	4,574,289
San Francisco	4,649,855
Seattle	2,591,889
Total	78,000,000

III. Program Description; Eligible and Ineligible Applicants, Developments, and Activities

(A) *Program Description.* Assisted living facilities (ALFs) are designed to accommodate frail elderly persons and people with disabilities who need certain support services (e.g., assistance with eating, bathing, grooming, dressing and home management activities). ALFs must provide support services such as personal care, transportation, meals, housekeeping, and laundry. Frail elderly person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. Assisted living is defined in section 232(b)(6) of the National Housing Act (12 U.S.C. 1715w).

The ALCP provides funding for the physical costs of converting some or all of the units of an eligible multifamily development into an ALF, including the unit configuration, common and services space and any necessary remodeling, consistent with HUD or the State's statute/regulations (whichever is more stringent). Typical funding will cover basic physical conversion of existing project units, common and services space. There must be sufficient community space to accommodate a central kitchen or dining facility, lounges, recreation and other multiple-areas available to all residents of the project, or office/staff spaces in the ALF. When food is prepared at an off-site location, the preparation area of the facility must be of sufficient size to allow for the installation of a full kitchen, if necessary. You must provide supportive services for the residents either directly or through a third party. Your application must include a firm commitment for the supportive services to be offered within the ALF as part of the application. You may charge assisted living residents for meals and/or service fees. Residents may contract with third party agencies directly for nursing, therapy or other services not offered by the ALF.

(B) *Program Requirements.* The following program requirements apply: (**Note:** Program Requirements described in paragraphs 3, (8)(a) and (b), and (12) below are not applicable to applicants requesting funding to convert commercial facilities):

(1) Your ALF facility must be licensed and regulated by the state (or if there is no state law providing such licensing and regulation, by the municipality or other subdivision in which the facility is located). Each assisted living unit must include its own kitchen, bathroom, living/dining area (1 bedroom unit) or bedroom/living/dining area (efficiency unit) and must meet the state and/or local licensing, building, zoning and other requirements for an ALF.

(2) Your ALF must be available to qualified elderly persons and persons with disabilities, consistent with the rules and payment plans of the State, who need and want the supportive services in order to remain independent and avoid premature institutionalization.

(3) Your ALF's residents must be tenants or residents of the multifamily project and must comply with the requirements applicable to the project. Thus, you cannot charge additional rent over what is charged to residents in the non-ALF portion of the project. All admissions to the ALF must be through the applicable project admissions office. However, persons accepted into the ALF also must sign an ALF admissions agreement which shall be an addendum to the applicable project lease.

(4) At a minimum, your ALF must provide room, board (as defined in Section III(B)(6)) of this NOFA) and continuous protective oversight (CPO). CPO involves a range of activities and services that may include such things as awareness by management and staff of the occupant's condition and location as well as an ability to intervene in a crisis for dependent and relatively independent occupants on a 24-hour basis. The two occupant groups in an ALF are:

(a) *Independent Occupants:* Awareness by management and staff of the occupant's condition and whereabouts as well as the availability of assistance for the occupants as needed.

(b) *Dependent occupants:* Supervision of nutrition, assistance with medication and continuous responsibility for the occupants' welfare.

(5) Anyone moving into an ALF unit must agree to accept as a condition of occupancy the board and services required for the purpose of complying with state and local law and regulation. *However, occupancy in an ALF unit may not be conditioned on receipt of other services or board not required by state or local requirements.*

(6) Your ALF must offer three meals per day to each resident.

(a) Residents in projects which were originally constructed without kitchens in their units must take such meals as required by their mandatory meals agreement, or by the state's mandated requirements if more stringent (e.g., 2 meals, 2 snacks daily).

(b) Residents whose apartments have kitchens must take at least the number of meals a day provided by the facility, per their mandatory meals requirement, or as required by state or local rules, if more stringent. If the facility does not have a mandatory meals plan, then state and local rules govern.

In either case, ALF management must coordinate meals requirements with the needs of residents who are out part of the day (e.g., in day care). The meals program may not be operated at a profit by the project owner.

(7) Your ALF's operation must be part of the project owner's management organization. Some or all of its functions may be contracted out. The ALF must predicate its budget on a two-tiered structure under which board and supportive service income and expenses must be maintained separately and independently from the regular income and expenses of the applicable project. The two components of ALF costs are:

(a) Charges/payment for board, which may be on a sliding scale or any other equitable fee system; and

(b) Charges/payment for necessary supportive services, which may include a combination of resident fees, Medicaid and/or other third party payments.

(8) Priority admissions for ALF units are as follows:

(a) Current residents desiring an ALF unit and meeting the program requirements (no resident can be required to accept an ALF unit).

(b) Qualified individuals or families needing ALF services who are already on the project's waiting list;

(c) Qualified individuals or families in the community needing ALF services wanting to be added to the project's waiting list; and

Note: Qualified disabled non-elderly persons needing assisted living services are

eligible to occupy these units on the same basis as elderly persons, except for section 202 project rental assistance contracts (PRAC) projects and unused/underutilized commercial properties.

(9) The management of the project must set up a separate waiting list for ALF units. ALF units must be for eligible residents who meet the admissions/discharge requirements as established for assisted living by State and local licensing, or HUD frailty requirements under 24 CFR 891.205 if more stringent.

(10) Costs of meals and supportive services are NOT covered by this HUD grant. These items must be paid for through other sources (e.g., a mix of resident fees and/or third party providers). Evidence of third party commitment(s) must be included as part of the application. (See Section IV(B) of this NOFA.) The assisted living supportive services program must promote independence and provide personal care assistance based on individual needs in a home-like environment (see Section VI(B)(8)(b) through (c) of this NOFA).

(11) Upon receipt of a grant under this program, all project owners participating in the ALCP must provide a Declaration of Restrictive Covenants (DRC), which will be recorded with the land, to retain the low income character of the housing, and to maintain the project (including the ALF), as a moderate, low, or very low income facility (as appropriate) for at least 20 years beyond the current 40-to-50 year term of the mortgage loan or capital advance. Recipients of grant funds to convert unused or underutilized commercial property must provide a DRC for at least 20 years or for the term of the mortgage on the property whichever is longer.

(12) This program does NOT allow permanent displacement of any resident living in the project at the time the application was submitted to HUD. (HUD will only provide temporary relocation costs for current tenants if they must vacate their unit while conversion work is underway (normal temporary relocation costs include increases in rent, reconnection of telephones, moving costs and appropriate out-of-pocket expenses)).

(13) The ALCP requires service coordination responsible for linking the ALF to services in the community which are available to low income persons. All projects funded under this NOFA must have sufficient service coordination in place, or request additional funds if appropriate, to ensure that services meeting licensing requirements are available to ALF residents on an ongoing basis. Service coordination must be described in the application (see Section VI(B)(8)(b) through (c) of this NOFA). If you need to enhance an existing service coordination program or add one where it does not exist, you may apply for funding through the Service Coordinator NOFA, published elsewhere in this SuperNOFA, and attach a copy of the Form HUD 424M so indicating the request to the ALCP application. Alternatively, you may show evidence that funding for the enhanced service coordination is provided by other sources and indicate such funding on the HUD Form 424M which is exhibit 10(c) of your ALF application. If you are funded under this NOFA and requested new or enhanced service coordination you will be funded first under the service coordinator NOFA.

Note: If you are a Section 202 PRAC project owner or an owner with unused or underutilized commercial properties, you are NOT eligible to request funding under the service coordinator NOFA. Section 202 PRAC owners can pay for the service coordinator out of PRAC funds.

In addition to above requirements, the following applicable guidelines are stated:

(a) The ALF must be staffed either directly or through coordination with local agencies, depending on state regulations or local requirements. These may also serve non-ALF residents of the project on a time available and appropriate fee basis.

(b) The ALF may cater to the special needs of residents depending on their condition or diagnosis, such as Alzheimer's disease. If it does so, the design/environment of such facilities must accommodate those needs, e.g., dementia special care unit. However, the ALF CANNOT provide a service it is not licensed by the State or locality to provide.

Note 1: Owners of section 202/PRAC projects are reminded that they may include a PRAC payment of up to $15/unit/month not to exceed 15% of the total program cost, consistent with 24 CFR 891.225(b)(2) to cover part of the cost of meals and/or supportive services for frail elderly residents, including residents of the ALF.

Note 2: Training for ALF staff is an eligible project cost under existing operating procedures.

For further information on ALFs, please refer to Handbook 4600.1, CHG–1, ''Mortgage Insurance for Residential Care Facilities,'' Chapter 13. This Handbook and recent ALF program Notices are accessible through HUDCLIPS on HUD's web site. The URL for the HUDCLIPS Database Selection Screen is *http://www.hudclips.org/subscriber/cgi/legis.cgi*. These notices are in the Handbooks and Notices—Housing Notices database. Enter only the number without the letter prefix (e.g., 99–16) in the ''Document number'' to retrieve the program notice.

For further guidance on service coordinators, please refer to Handbook 4381.5 REV–2, CHANGE–2, Chapter 8, ''The Management Agent's Handbook,'' which is also available through the HUDCLIPS database.

(C) *Eligible Applicants.* Only private nonprofit owners of eligible multifamily assisted housing developments specified in section 683(2) (B), (C), (D), (E), and (F) of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and private nonprofit owners of an unused or underutilized commercial property are eligible for funding. To be eligible, project owners must meet the following criteria where applicable:

(1) Must be in compliance with your Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance Contract, Rent Supplement or LMSA contract, or any other HUD grant or contract document.

(2) Must be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). See Section V(B) of this NOFA for further explanation.

Note: If your eligibility status changes during the course of the grant term, making it ineligible to receive the grant (e.g., prepayment of mortgage, sale/TPA of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD retains the right to terminate the grant and recover funds made available through this NOFA.

(D) *Eligible Developments.*

(1) Section 202 projects, Section 202 projects receiving rental assistance under Section 8, and Section 202 projects receiving project rental assistance under Section 202(C)(2). Rural housing projects assisted under Section 515 of the Housing Act of 1949 receiving Section 8 rental assistance are also included. Projects receiving project-based rental assistance under Section 8, among others, housing constructed, substantially rehabilitated or receiving moderate rehabilitation assistance under Section 8. Also included are housing financed by a below-market interest rate loan or mortgage insured under Section 221(d)(3) of the National Housing Act; and housing with financing insured, assisted or held by HUD or a State or State Agency under Section 236 of the National Housing Act. The housing projects must be owned by a private

nonprofit entity that is designated primarily for occupancy by elderly persons. The project must have been in occupancy for at least five years from the date the HUD–92485 Form Permission to Occupy Project Mortgages was issued and final closing must have been completed. Your project must:

(a) Meet HUD's Uniform Physical Conditions Standards at 24 CFR part 5, subpart G. Meeting these standards as described, means that the project, based on the most recent Real Estate Assessment Center (REAC) physical inspection report and responses thereto, must have a ''satisfactory'' rating as evidenced by a score of 60 or better or a HUD-approved and on schedule repair plan for developments scoring less than 60. Additionally, the project must have no uncorrected and outstanding Exigent Health and Safety violations. Finally, the project must not have on file a management review with a rating of ''minimally satisfactory'' or ''unsatisfactory'' with open and unresolved findings.

(b) Have a residual receipts account separate from the Reserve for Replacement account, or agree to establish this account as a condition for getting the award(s).

(2) Unused and underutilized commercial properties.

(E) *Ineligible Applicants.*

(1) Owners of developments designed specifically for people with disabilities.

(2) Owners of Section 232 developments.

(3) Property management companies and agents of property management companies.

(4) Limited dividend partnerships.

(5) Nonprofit Public Agencies.

(6) Owners of unused/underutilized hospitals or other health-related facility which are considered to be eleemosynary institutions rather than commercial enterprises.

(F) *Eligible Conversion Activities.* Eligible activities are:

(1) Retrofitting to meet Section 504 accessibility requirements, minimum property standards for accessibility and/or building codes and health and safety standards for ALFs in that jurisdiction. Examples are items such as addition of:

(a) Sprinkler systems;

(b) An elevator or upgrades thereto;

(c) Lighting upgrades;

(d) Major physical or mechanical systems of projects necessary to meet local code or assisted living requirements;

(e) Upgrading to accessible units for the ALF with movable cabinetry, accessible appliances, sinks, bathroom and kitchen fixtures, closets, hardware and grab bars, widening of doors, etc.;

(f) Upgrades to safety and emergency alert systems;

(g) Addition of hallway railings; and,

(h) Medication storage and work stations;

(2) Retrofitting to add, modify and/or outfit common space, office or related space for ALF staff including a service coordinator and file security, and/or a central kitchen/dining facility to support the ALF function (e.g., outfit lounge/common space/dining furniture, kitchen equipment for cooking/serving and dishware).

(3) Retrofitting to upgrade a regular unit to an accessible unit for a person/family with disabilities who is being displaced from an accessible unit in the portion of the project that is being converted to the ALF, where another accessible unit is not available.

(4) Temporary relocation (not applicable to commercial property).

(5) Consultant, architectural and legal fees.

(6) Vacancy payments not more than 30 days after conversion to an ALF.

(G) *Ineligible Activities.* You may not use funds available through this NOFA to:

(1) Add additional dwelling units to the existing project (not applicable to commercial property);

(2) Pay the costs of any of the necessary direct supportive services needed to operate the ALF;

(3) Purchase or lease additional land;

(4) Rehabilitate (see definition at 24 CFR 891.105) the project for needs unrelated directly to the conversion of units and common space for assisted living;

(5) Use the ALCP to reduce the number of accessible units in the project that are not part of the ALF (not applicable to commercial property);

(6) Permanently relocate any resident out of the project; and,

(7) Increase the management fee.

IV. Program Requirements

Each applicant must comply with the following requirements:

(A) *Statutory, Regulatory, and Other Program Requirements.* You must comply with all applicable statutory requirements to the projects specified in Section 202(b) and statutory requirements under Section 232(b)(6). Please note that all ALCP projects must conform to the 500-year flood plain limitation (See Section VII of this NOFA.) Construction of ALCP units is considered a ''critical action'' for purposes of the flood plain requirement.

Excess Residual Receipts (over $500/unit) and Reserve for Replacement (R4R) funds (over $1000/unit) in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied towards the cost of conversion activities. Before making this determination, however, HUD staff will consider the extent of repair/replacement needs indicated in the most recent REAC physical inspection and not yet approved and any ongoing commitments such as non-grant-based service coordinator or other funding, where existing, deduct the estimated costs of such items from the R4R and residual receipts balances to determine the extent of available residual receipts and R4R funds for the ALCP. (This paragraph is not applicable to commercial properties.)

If funded, you must also file a HUD Form-2530 for all construction contractors, architects, consultants, and service provider organizations under direct contract with you that will be engaged under this NOFA and comply with all State and local licensing, zoning and building code requirements.

(B) *Meals and Supportive Services.* You must develop and submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services which will be offered in the ALF to the appropriate state or local organization(s) which are expected to fund those supportive services. (See Section VI(B)(8) of this NOFA below, for the information which must be in the SSP.) You must submit one copy of your SSP to each appropriate State or local service funding organizations well in advance of the application deadline, for appropriate review. The State or local funding organization(s) must return the SSP to you with appropriate comments and indication of funding commitment, which you will then include with the application you submit to HUD.

You must ALSO submit the SSP to the appropriate organization(s) which license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

Finally, you must also submit an agreement to pursue appropriate ALF licensing in a timely manner.

(C) *Minimum Size Limits for an ALF.* An ALF must be economically feasible. Consistent with HUD Handbook 4600.1, CHG–1, the minimum size for an ALF is five units.

(D) *Economic Opportunities for Low and Very Low Income Persons (Section 3).* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low income persons and including people with disabilities.

(E) *Compliance with Fair Housing and Civil Rights Laws.* If you, the applicant (a) have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; (b) are the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) have received a letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act of 1974, your application will not be evaluated under this NOFA if, the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline, HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(F) *Additional Nondiscrimination Requirements.* As you will be converting some of your project to an ALF, you should note that 24 CFR 891.120(b) requires you to meet all accessibility requirements. Additionally, you must comply with the section 504 regulations at 24 CFR part 8, the Americans with Disabilities Act and the regulations at 28 CFR part 36, as applicable.

(G) *Executive Order 12372.* Information regarding this requirement may be found in the General Section of the SuperNOFA.

(H) *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* Owners are required to develop and maintain a written code of conduct in accordance with 24 CFR 84.42. Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct. You will also be required to sign the Conflict of Interest Resolution and include it in your application see Exhibit (10)(i).

(I) *Ensuring the Participation of Small Businesses, Small Disadvantaged Business, and Women-Owned Business.* Information regarding this provision may be found in the General Section of the SuperNOFA. Upon acceptance of grant funds under the ALCP, Grantees must comply with the requirements pursuant to Executive Orders 11625 and 12432 (concerning Minority Business Enterprises) and Executive Order 12138 (concerning Women's Business Enterprise).

(J) *Compliance with Other Program Requirements:* By the submission of the application for grant funds, the Owner is certifying to comply with the following program requirements:

(1) Establish a residual receipt account as soon as there is surplus cash available, if applicable.

(2) Apply for an ALF license with due diligence and in a timely fashion.

(3) Comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing, and other certifications listed in the application.

(4) Comply with section 232 of the National Housing Act, as applicable, the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990 for all portions of the development physically affected by this proposal;

(5) Comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act as applied to this program. While it has been determined that Davis-Bacon does not apply statutorily to the ALCP, the Department has administratively determined that Davis-Bacon standards and overtime rates in accordance with the Contract Work Hours and Safety Standards Act will be adhered to in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds, owner funds, or any third party funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF portion of the project is 12 units or more.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to HUD.

HUD will screen all applications received by the deadline for curable deficiencies. With respect to correction of deficient applications, HUD may not, after the application due date and consistent with HUD's regulations in 24 CFR part 4, subpart B, consider any unsolicited information an applicant may want to provide. HUD may contact an applicant to clarify an item in the application or to correct technical deficiencies. Please note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of a response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, under this NOFA, the appropriate HUD Multifamily Hub Office will notify you in writing by describing the clarification or technical deficiency. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by the Hub Office within 14 calendar days of the date of receipt of the HUD notification. (If the

due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete, and it will not be considered for funding. The following is a list of the deficiencies that will be considered curable in ALCP applications:

Exhibits

(1) *(a) Articles of Incorporation, or certification of Articles of Incorporation.

*(b) By-laws, or certification of by-laws.

(3) Evidence of occupancy for at least five years (not applicable to commercial facilities).

(5) (c) Original project plans.

(h) Relocation (not applicable to commercial property).

(7) Evidence of Permissive Zoning.

(8) (g) Support Letters from Governmental Agencies that License ALFs.

(10) *Certifications, Forms and Resolution*

(a) Standard Form 424, Application for Federal Assistance and Compliance with Executive Order 12372.

(b) Standard Form 424D, Assurances Construction Programs.

(c) Form HUD 424M, Federal Assistance Funding Matrix.

(d) Form HUD–50070, Drug-free Workplace.

(e) Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities.

(f) Form HUD 2880, Applicant/Recipient Disclosure/Update Report including Social Security and Employment Identification numbers.

(g) Form HUD–2992, Certification Regarding Debarment and Suspension.

(h) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), for the Jurisdiction in which the Proposed ALF will be located.

(i) Conflict of Interest Resolution.

The appropriate Hub Office will notify you in writing if your application is missing any of the exhibits listed above and you will be given 14 days from the date of receipt of the HUD notification to submit the information required to cure the noted deficiencies. The exhibits identified by an asterisk (*) must be dated on or before the application deadline date. If not so dated the application will be rejected.

After the completeness review, HUD staff will review your application to determine whether the application meets the threshold requirements listed below. Only if your application meets all the threshold requirements is it eligible to be rated and ranked. Applications that do not pass threshold will be rejected.

(B) *Threshold Review.* In order to pass threshold, you must:

(1) Be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a), and as noted earlier in this NOFA under Sections III(B)(2) and IV(E).

(2) Be an eligible applicant.

(3) Not request more funds than advertised.

(4) Additionally, HUD will also reject your application if the SSP and/or commitment and support letter(s) from the appropriate funding organizations and the appropriate licensing agency(ies):

(i) Are not submitted with your application;

(ii) Indicate that the ALF units, facilities, meals and supportive services to be provided are not designed to meet the special needs of the residents who will reside in the ALF as defined in this NOFA,

(iii) Do not show commitment for funding the meals and supportive services proposed; or

(iv) Indicate that the project as proposed will not meet the licensing requirements of the appropriate State/local agency(ies).

(C) *Review Panels*

The Office of Housing's Multifamily Hubs will establish panels to review all eligible applications that have passed threshold. The panels may include knowledgeable persons not currently employed by HUD.

(D) *Rating of Applications* (See paragraph below for selection of applications for commercial properties).

HUD staff teams will review and rate ALCP applications in accordance with the Ranking and Selection procedures (see Section V(F) of this NOFA below). All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating selection factors in Section V(G) of this NOFA. HUD reserves the right to reduce the amount requested in the application if any proposed components are ineligible or if the cost of items is not deemed reasonable. HUD will *NOT* reject an ALCP application based on technical review without notifying you of that rejection with all the reasons for the rejection, and providing you an opportunity to appeal. As discussed above, you will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the Multifamily Hub where the applications were sent originally. HUD staff will make a determination on an appeal before finalizing selection recommendations.

(E) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the above-mentioned **Federal Register** notice, and for not longer than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefing must be made in writing and submitted to the local Hub in which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

(F) *Ranking and Selection Procedures.* (Paragraphs (F)(1)—(4) are not applicable to applicants of commercial properties.)

Applications submitted in response to this NOFA that are eligible, pass threshold and have a total score of 70 points (or more) are eligible for ranking and selection. (Applications for the conversion of commercial properties with a score of at least 70 points will not be ranked but will be submitted to HUD Headquarters for selection.)

(1) Hub staff teams will be established for ALCP review in each Hub to do the application ratings (see Section V(D) above). See list of Hubs in Appendix A of this NOFA.

(2) From within rank order, Hub staff teams in each of the 18 Hubs will select the highest ranked applications from within that Hub in order, that can be funded from within the dollars available. Each Hub will select applications based on rank order up to and including the last application that can be funded out of each Hub's allocation. Hubs must not skip over any applications in order to select one based on the funds remaining.

(3) After making the initial selections, however, Hubs may use any residual funds to select the next rank-ordered application by reducing the dollars requested by no more than 10 percent (10%) and reducing the number of units proposed, but in no case reducing the

number of units below the financial threshold feasibility of five ALF units.

(4) Funds remaining after these processes are completed will be returned to HUD Headquarters. HUD will use these funds to restore units to any project reduced as a result of using the residual grant funds in a Hub. Secondly, HUD will use these funds for selecting one or more additional applications based on the Hubs rating and rankings, beginning with the highest rated application within the 18 Hubs. Only one application will be selected per Hub from the national residual amount. If there are no approvable applications in other Hubs, the process will begin again with the selection of the next highest rated application within the remaining Hubs. This process will continue until all approvable applications are selected using the available remaining funds. If there is a tie score between two or more applications, and there are insufficient residual funds to cover all tied applications, HUD Headquarters staff will choose the winning application(s) by lottery and/or reduction of grant requests consistent with the instructions above.

(5) Up to 3 applications will be selected using the $15 million set-aside to provide grant funds to nonprofit applicants proposing to convert *unused or underutilized commercial property into assisted living.* HUD Multifamily Hubs will review applications for commercial properties for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Hub staff will forward applications to Headquarters providing the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date. Headquarters will select no more than 3 applications on a first-come, first-served basis that can be funded within the $15,000,000 available.

Note: Only applications that can be fully funded will be selected. If an application that cannot be fully funded is selected, it will be discarded and another application selected until an applicant is selected that is within the available remaining funds. Any remaining funds after this selection process will be returned to the funds allocated for eligible multifamily assisted projects.

(G) *Factors For Award Used To Evaluate and Rate Applications.*

HUD will rate ALCP applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section VI(B) of this NOFA, below. The maximum number of points an application may receive under this program is 100.

(1) The Department encourages applicants to either partner, fund or sub-contract with grassroots organizations, particularly faith-based and other community-based organizations in conducting their work programs. (See the General Section of the SuperNOFA for the definition of ''grassroots organizations'').

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor addresses your capacity to carry out the conversion in a timely, cost-conscious and effective manner. It also reviews your experience with the supportive services which the ALF intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing and on-site health care. Submit information responding to this factor in accordance with Application Submission Requirements in Sections VI(B)(5)(a), (8)(h), and (2)(d) of this NOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to carry out a successful conversion of the project and to implement the plan to deliver the supportive services on a-long term basis, considering the following:

(1) (9 points) The practicality of your plan and timetable to carry out the physical conversion of the development to the ALF.

(2) (10 points) Your past experience in providing or arranging for supportive services either on or off site for those who are frail. (If you are applying to convert an unused or underutilized commercial facility to assisted living and you do not own or operate a project with frail elderly residents, you must provide information on any past experience in providing or arranging supportive services for those who are frail.) Examples are: Meals delivered to apartment of resident or in a congregate setting (2 points), arranging for or providing personal care (3 points), providing 24-hour staffing (1 point), providing or making available on-site preventive health care (2 points) and other support services (2 points).

(3) (1 point) Your organization is a ''grassroots'' organization as defined in the General Section of the SuperNOFA.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which the conversion is needed by the categories of elderly persons and persons with disabilities that the ALF is intended to serve (very low income elderly persons and people with disabilities who have limitations in three or more activities of daily living). The application must provide evidence of current needs among project residents (not applicable to applications proposing to convert unused or underutilized commercial facilities) and needs of potential residents in the housing market area for such persons including economic and demographic information on very-low income frail elderly and people with disabilities and information on current assisted living resources in the market area.

The factor also addresses your inability to fund the repairs or conversion activities from existing financial resources. In making this determination, HUD will consider project financial information or the organization's financial information for unused or underutilized commercial facilities. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(4)(a) through (d), (2)(c) and (9)(a) through (c) of the NOFA. In evaluating this factor, HUD will consider:

(1) (7 points) The need for assisted living among the elderly and disabled residents of the project taking into consideration those currently in need and the depth of future needs given aging in place. (Not applicable to applications to convert unused or underutilized commercial facilities to assisted living.)

(2) (3 points (10 points for applications to convert unused or underutilized commercial facilities to assisted living.)) The need for assisted living among very-low income elderly persons and people with disabilities in the housing market area.

(3) (9 points) Insufficient funding for any needed conversion work, as evidenced by the project's financial statements and specifically the lack of excess reserve for replacement dollars (R4R) and residual receipts. If the available R4R and residual receipts are less than 10% of the total funds needed − 9 points; if the available R4R and residual receipts are 10 − 50% of need = 5 points; and, if the available R4R and residual receipts are 51% or more of the total funds of needed = 0 points). For commercial properties, if the available working capital exceeds 10 percent of the total conversion = 5 points; if the working capital is less than 10 percent of the total conversion = 9 points.

(4) (1 point) The Department will provide one (1) point to those

applications which establish a connection between the proposed ALF and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

Rating Factor 3: Soundness of Approach (40 Points).

This factor addresses the quality and effectiveness of your proposal in addressing the proposed conversion, effectiveness of service coordination and management planning and the meals and supportive services which the ALF intends to provide. There must be a relationship between the proposed activities, the project's and the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Sections VI(B)(5)(b) through (e) and (h) and (7) and (B)(8))(a) through (e) and (g) and (h) of this NOFA.

In evaluating this factor, HUD will consider the following:

(1) (12 points) The extent to which the proposed ALF design will meet the special physical needs of frail elderly persons or persons with disabilities expected to be served at reasonable cost (consider the ALF design: meets needs = 12 points; ALF design partially meets needs = 6 points; and ALF design does not meet needs = 0 points).

(2) (12 points) The extent to which the ALF's proposed management and operational plan ensures that the provision of both meals and supportive services planned will be accomplished over time. (Consider ALF design/management plan: meets needs of management operations = 12 points; ALF design/management plan partially meets needs of management operations = 6 points; and ALF design/management plan does not meet needs of management operations = 0 points.)

(3) (7 points) The extent to which the proposed supportive services meet the anticipated needs of the frail elderly and disabled residents (consider Yes = 7 points; partially meets needs = 4 points; and, does not meet needs = 0 points); and

(4) (7 points) The extent to which the service coordination function is addressed and explained as onsite and sufficient, onsite and augmented or new, and addresses the ongoing procurement of needed services for the residents of the ALF (does meet = 7 points, partially meets = 4 points, does not meet = 0 points).

(5) (2 point) The extent to which there is an operating philosophy which promotes the autonomy and independence of the frail elderly persons it is intended to serve (is fully addressed = 2 points, no or not addressed = 0 points).

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's grant funds to achieve program purposes. For the ALCP to succeed, you *MUST* generate local funding for the necessary supportive services to operate the ALF. HUD also encourages local funding for some of the necessary conversion work, or other work needed in the project (*e.g.*, general modernization) which is *NOT* specifically linked to the ALF).

Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(5)(f), (g), and (B)(8)(f) of this NOFA.

(1) (5 points) The extent to which there are commitments for the funding needed for the meals and the supportive services planned for the ALF and that the total cost of the estimated budget of the ALF is covered. Consider 90% or more commitment for the total budget with no more than 10% general support = 5 points; 80–89.9% or more commitment for the total budget with no more than 20% general support = 4 points; 65–79.9% firm commitment with no more than 35% general support = 3 points; 40–64.9% firm commitment for the total budget with no more than 60% general commitment = 2 points; less than 40% firm commitment for the total budget with no more than 60% general support = 0 points.

(2) (3 points) The extent of local organizations' support which is firmly committed to providing at least 50 percent of the total cost of ALF conversion (consider 50% or more = 3 points, 20–49.9% = 2 points, and under 20% = 0 points).

(3) (2 points) The extent of local organizational support which is firmly committed to providing funds for additional repair or retrofit necessary for the project NOT specifically directed to activities eligible under this NOFA (consider yes = 2 points, no = 0 points).

Rating Factor 5: Coordination, Self-sufficiency and Sustainability (10 Points)

This factor addresses the extent to which you have evidenced general support for conversion by participating in your community's Consolidated Planning Process, involving the residents in the planning process (not applicable to applications proposing to convert unused or underutilized commercial facilities); the extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities and are working toward addressing the need in a holistic and comprehensive manner through linkages with other activities in the community; the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living and the extent to which the project will be viable absent HUD funds but rely more on state, local and private funds. Submit information responding to this factor in accordance with Application Submission Requirements in Section VI(B)(2)(a) through (d), (B)(8)(a)–(e) of this NOFA.

(1) (4 points) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but share common goals and objectives and are working together to meet objectives; the involvement of project residents (including minority residents) or their representatives, in the development of the ALCP application, and your intent to involve residents, in the development and operation of the project and in relocation planning (Minus two (−2) points if not addressed); (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on the involvement of elderly persons in the development of the ALCP application, and your intent to involve residents, in the development and operation of the project.)

(2) (2 points) The extent to which you demonstrated that you have been actively involved (or if not currently active, the steps you will take to become actively involved) in your community's Consolidated Planning/AI processes to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(3) (2 points) The extent to which your assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

(4) (2 points) The extent to which you demonstrate that the project will be viable absent HUD funds while relying more on state, local and private funds.

VI. Application Submission Requirements

(A) *Application—General.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B). In cases where your (i) articles of incorporation and (ii) by-laws have NOT changed since the project was originally approved by HUD, self-certification to that effect—that the documents on file with HUD are current—is sufficient. Items in Section VI(B) for which self-certification of currency is possible are denoted by a ''**''.

In addition to the relief of paperwork burden in preparing applications, you will not have to submit certain new/recent information and exhibits you have previously prepared. See individual item descriptions, below to identify such items. An example of such an item may be the FY 2001 Annual Financial Statement.

(B) *General Application Requirements.*

(1) Application Summary for the Assisted Living Conversion Program and Evidence that you are a private non-profit organization or nonprofit consumer cooperative and have the legal ability to operate an ALF program, per the following:

(a) Articles of Incorporation, constitution, or other organizational documents, or self-certification of these documents, if there has been no change in the Articles since they were originally filed with HUD;** and

(b) By-laws, (for non-profits) or self-certification of by-laws, if there has been no change in the by-laws since they were originally filed with HUD.**

(2) A description of your community ties and established linkages:

(a) A description of your links to the community at large and to the minority and elderly communities in particular; and

(b) A description of your efforts to involve elderly persons, including minority elderly persons and persons with disabilities in:

(i) The development of the application;

(ii) The development of the ALF operating philosophy;

(iii) Review of the application prior to submission to HUD; and

(iv) Your intent to involve elderly persons in the operation of the project or not.

Also, demonstrate that you made the application available to the residents of the project (in their language(s)) AND requested and considered comments from them (in their language(s)). Applicants of converted commercial facilities should indicate that the application will be made available to the residents of the project in their language(s) and will request and consider comments from them in their language(s).

(c) A description of your involvement in your community's Consolidated Planning and Analysis of Impediments to Fair Housing (AI) processes including:

(i) An identification of the lead/facilitating agency(ies) that organizes/administers the processes;

(ii) A listing of the Consolidated Plan/AI issue areas in which you participate; and

(iii) The level of your participation in the processes, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning and AI processes. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(d) A description of how the assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

(3) Evidence of your project being in occupancy for at least five years as of the date of application to HUD. (Not applicable to commercial facilities.)

(4) A market analysis of the need for the proposed ALF units, including information from both the project and the housing market, containing:

(a) Evidence of need for the ALF by current project residents: (Not applicable to commercial facilities.)

(i) A description of the demographic characteristics of the elderly residents currently living in the project, including the current number of residents, distribution of residents by age and sex, an estimate of the number of residents with frailties/limitations in activities of daily living and an estimate of the number of residents in need of assisted living services. (Not applicable to commercial facilities.)

(ii) A description of the services which are currently available to the residents and/or provided on or off-site and what services are lacking; (Not applicable to commercial facilities.)

(b) Evidence of the need for ALF units by very low income elderly and disabled households in the market area; a description of the trend in elderly and disabled population and household change; data on the demographic characteristics of the very low income elderly in need of assisted living services (age, race, sex, household size and tenure) and extent of residents with frailty/limitations in existing federally-assisted housing for the elderly (HUD and Rural Housing Service); and an estimate of the very low income elderly and disabled in need of assisted living taking into consideration any available State or local data.

(c) A description of the extent, types and availability and cost of alternate care and services locally, such as: Home health care, adult day care, housekeeping services, meals programs, visiting nurses, on-call transportation services, health care and providers of supportive services who address the needs of the local low income population.

(d) A description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the ALF (covering items in Section VI(B)(4)(a) and (b) of this NOFA).

(5) A description of the physical ALF conversion, including the following:

(a) How you propose to carry out the physical conversion (including a timetable and relocation planning).

(b) A short narrative stating the number of units, special design features, community and office space/storage, dining and kitchen facility and staff space and the physical relationship to the rest of the project. Also, you must describe how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over at least the next 10 years.

(c) A copy of the original plans for all units and other areas of the development which will be included in the conversion. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide a copy of the original plans of the facility).

(d) A description of the conversion must clearly address the following accessibility issues: All door openings must have a minimum clear opening of 32 inches; and, all bathrooms and kitchens must be accessible to and functional for persons in wheelchairs, according to the ''Uniform Federal Accessibility Standards.''

(e) Architectural sketches of the conversion to a scale of ¼ inch to one foot that indicate the following:

(i) All doors being widened;

(ii) Typical kitchen and bathroom reconfiguration: Show all wheelchair clearances, wall reinforcing, grab bars

and elevations of counters and work surfaces;

(iii) Bedroom/living/dining area modification, if needed;

(iv) Any reconfigured common space;

(v) Added/reconfigured office and storage space;

(vi) Monitoring stations, and

(vii) The kitchen and dining facility.

All architectural modifications must meet section 504 and ADA requirements as appropriate.

(f) A budget showing at least estimated costs for materials, supplies, fixtures and labor for each of the items listed in Section VI(B)(5)(e), items i through vii, above.

(g) Include firm commitment letters with specific dollar amounts from appropriate organization(s) for conversion needs (within the scope of the ALF conversion NOFA) which will be supported by non-HUD funding.

(h) A description of any relocation of current tenants including a statement that: (Not applicable to commercial property applicants.)

(i) Indicates the estimated cost of temporary relocation payments and other related services;

(ii) Identifies the staff organization that will carry out the relocation activities; and

(iii) Identifies all tenants that will have to be temporarily moved to another unit within the development OR from the development during the period that the physical conversion of the project is under way.

Note: If any of the relocation costs will be funded from sources other than the ALCP grant, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of conversion, temporary relocation, service coordinator and other project costs).

(6) A description of any retrofit or renovation which will be done at the project (with third party funds) that is separate and distinct from the ALF conversion. With such description, attach firm commitment letters from third party organizations in specific dollar amounts which will cover the cost of any work outside the scope of this NOFA.

(7) Evidence of permissive zoning, showing that the modifications to include the ALF into the project as proposed are permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully within six months of the date of grant award by HUD (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.);

(8) A supportive services plan (SSP), a copy of which must be submitted to the appropriate state and/or local agency as instructed in Section IV(B) of this NOFA. For those applicants needing to contact state Medicaid offices, a list is provided on the Internet at ''*www.hcfa.gov/medicaid/medicaid.htm*.'' The SSP must include:

(a) A description of the supportive services needed for the frail elderly the ALF is expected to serve. This must include at least (i) meals and such other supportive services required locally or by the State, and (ii) such optional services or care to be offered on an ''as needed'' basis.

Examples of both mandatory and optional services (which will vary from state to state) are: Two meals and two snacks or three meals daily; 24-hour protective oversight; personal care; housekeeping services; personal counseling and transportation.

(b) A description of how you will provide the supportive services to those who are frail and have disabilities (i.e., on or off-site or combination of on or off-site), including an explanation of how the service coordination role will facilitate the adequate provision of such services to ALF residents, and how the services will meet the identified needs of the residents. Also indicate how you intend to fund the service coordinator role.

(c) A description of how the operation of your ALF will work. Address: (i) General operating procedures; (ii) ALF philosophy and how it will promote the autonomy and independence of the frail elderly and persons with disabilities; (iii) what will the service coordination function will do and the extent to which this function already exists, or will be augmented or new; (iv) ALF staff training plans; and (v) the degree to which and how the ALF will relate to the day-to-day operations of the rest of the project.

(d) The monthly individual rate for board and supportive services for the ALF listing the total fee and components of the total fee for the items required by state or local licensing AND list the appropriate rate for any optional services you plan to offer to the ALF residents. Provide an estimate of the total annual costs of the required board and supportive services you expect to provide and an estimate of the amount of optional services you expect to provide.

(e) List who will pay for the board and supportive services (e.g., $__ for meals by sponsor, $__ for housekeeping services by city government; $__ for personal care by State Department of Health; $__ for __ by state __ program; $__ in fees by tenants; and, $__ by __).

The amounts and commitments from both tenants and/or providers must equal the estimated amounts necessary to cover the monthly rates for the number of people expected to be served. If you include tenant fees in the proposal, list and show any proposed scaling mechanism. All amounts committed/collected must equal the annualized cost of the monthly rates calculated by the expected percentage of units filled.

(f) A support/commitment letter from *EACH* listed proposed funding source per paragraph (e), above, for the planned meals and supportive services listed in the application. The letter must cover the total planned annual commitment (and multiyear amount total, if different), length of time for the commitment, and the amounts payable for each service covered by the provider/paying organization. There must be a letter from EACH participating organization listed in Section VI(B)(8)(e) of this NOFA, above.

(g) A support letter from *EACH* governmental agency which provides licensing for ALFs in that jurisdiction.

(h) A description of your relevant experience in arranging for and/or delivering supportive services to frail residents. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on your relevant experience in arranging for and/or delivering supportive services to frail elderly persons). The description should include any supportive services facilities owned/operated; your past or current involvement in any project-based programs that demonstrates your management capabilities. The description should include data on the facilities and specific meals and/or supportive services provided on a regular basis, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the services.

Note: If a funds request for service coordination for the ALF and/or the whole project is included as part of this application, the Form HUD–424M, indicating the dollars requested must be attached as Exhibit 10(c). Do NOT attach the whole service coordinator application.

(9) A description of your project's resources: (Items (9)(a)–(b) are not applicable to applicants of commercial property.)

(a) A copy of the most recent project Repair and Replacement (R4R) account statement, and an R4R analysis showing plans for its use over the next five years, and any approvals received from the HUD field office to date.

(b) A copy of the most recent Residual Receipts Account statement. Indicate any approvals for the use of such receipts from the field office for over $500/unit.

(c) Annual Financial Statement (AFS). If your FY 2002 AFS was due to REAC more than 120 days BEFORE the due date for this application, in the interest of reducing work burden, only include the date that it was sent to REAC. If the AFS was due to REAC 120 days or less from the due date of this application, you MUST include a paper copy. For commercial properties, the most recent financial statement or annual report.

(10) *Forms, Certifications and Resolutions.* The following exhibits, forms, certifications and assurances are required:

(a) *Standard Form 424, Application for Federal Assistance* and indication of whether you are delinquent on any federal debt and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the State agency (Single Point of Contact) for State review in accordance with Executive Order 12372 (see the General Section of the SuperNOFA for instructions in submitting this form).

(b) *Standard Form 424D, Assurances, Construction Programs.*

(c) *Form HUD 424M, Federal Assistance Funding Matrix.*

(d) *Form HUD–50070, Drug-free Workplace.* Certification to provide a drug-free workplace.

(e) *Form HUD–50071, Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any federal transactions and disclosure of these activities, if applicable.

(f) *Form-HUD 2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employment Identification numbers.* A disclosure of assistance from other government sources received in connection with the project.

(g) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510).*

(h) *Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan),* for the jurisdiction in which the proposed ALF will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth herein. The Plan regulations are published in 24 CFR part 91.

(i) *A certified Board Resolution that no officer or director of the Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

VII. Environmental Requirements

Your ALCP application is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. (See 24 CFR part 50, as applicable.) An environmental review will be completed by HUD before the award of any grant under this program. Pursuant to 24 CFR part 55, ALCP projects are critical actions for purposes of floodplain management review.

VIII. Authority

The Assisted Living Conversion Program is authorized by Section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q-2) and the Fiscal Year 2002 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act.

Appendix A.—HUD Field Office List for Mailing Assisted Living Conversion Program Applications

HUD—Boston Hub

Boston Office, Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453.

HUD—New York Hub

New York Office, 26 Federal Plaza—32nd Floor, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

HUD—Atlanta Hub

Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303-2806, (404) 331-5001, TTY Number: (404) 730–2654

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue—17th Floor, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

HUD—Ft. Worth Hub

Ft. Worth Office, 801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

HUD—Kansas City Hub

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Seattle Office, Seattle Federal Office Building, 909 1st Avenue, Suite 200, Seattle, WA 98104–1000, (206) 220–5101, TTY Number: (206) 220–5185

Note: The first line of the mailing address for all offices is the U. S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

Appendix B

HUD—Boston Hub

Hartford Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office, Room 375, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453

Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—New York Hub

New York Office, 26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office, Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Washington, DC Office, 820 First Street, NE, Suite 300, Washington, D.C. 20002–4205, (202) 275–9200, TTY Number: (202) 275–0772

Richmond Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—Atlanta Hub

Atlanta Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Suite 600, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–3388 2806, (404) 331–5136 5001, TTY Number: (404) 730–2654

San Juan Office, Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office, Suite 200, 251 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

Birmingham Office, Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209–3144, (205) 290–7617, TTY Number: (205) 290–7624

Jackson Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

Indianapolis Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office, Trade Center Building, 50 Louis Street, NW. Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

Cleveland Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—Ft. Worth Hub

Little Rock Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office, 801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

Houston Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—Great Plains

Des Moines Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

Omaha Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

Phoenix Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

Honolulu Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106,

(213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Portland Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

Note: The first line of the mailing address for all offices is the U. S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

APPENDIX C

The non-standard forms required for the ALCP application.

BILLING CODE 4210–32–P

APPENDIX C

EXHIBIT I

Multifamily Housing
Assisted Living Conversion Program
APPLICATION SUMMARY SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Owner (Funds Recipient) Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

E-mail address _____

List the specific development(s) targeted for assistance under this grant. Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Number of Residents _____ Estimated number of frail elderly _____

Estimated number of non-elderly people with disabilities _____

Estimated number of at-risk elderly _____

Are you applying for a Service Coordinator Grant? _____ Yes _____ No

Will this development share a service coordinator with other developments? _____ Yes _____ No
If yes, please give name and address of the development(s) if different.

_____

_____

_____

Senators 1. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

EXHIBIT 10(i)

OWNER'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects - Application for Grant

Owner:
Project Location:

WHEREAS, Section 202b of the Housing Act of 1959, as amended, authorizes the making of grants to owners of eligible multifamily housing projects designated for the elderly for conversion (in whole or in part) into assisted living facilities for elderly persons.

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the owner from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the owner with its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the owner corporation, if different, certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some owners have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required owners Conflict of Interest and Disclosure Certifications until no later that 45 days after receipt by the owner of an approval letter for funding for a grant under the Assisted Living Conversion Program (ALCP) if such certifications are provided by all the owner's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of submission of the owner's ALCP application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after ALCP conversion projects have been selected and funds granted, it is hereby resolved and agreed by the Boards of Directors of the owner:

1. That both entities will submit updated Incumbency Certificates, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for the ALCP grant.

2. That no officer or director of the owner has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the grant will be subject to cancellation by HUD if the officers or directors of the owner fail to submit Conflict of Interest and Disclosure Certifications duly executed.

4. That no HUD ALCP grant will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the owner shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the owner's officers or directors, the owner will exercise its best efforts to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the owner on the _____ date of _____, _____.

_____

Authorized Signature

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Program Overview

Purpose of the Program. This program provides funding for supportive housing for very low-income persons with disabilities who are at least 18 years old. Additionally, organizations receiving funds must assure that an array of community support services are identified and available. (Please note that funding for a related program, Mainstream Housing Opportunities for Persons with Disabilities, is found elsewhere in this SuperNOFA.)

Available Funds. Approximately $117.5 million.

Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service (See Section III(B) of this NOFA). (See Section VIII of this NOFA for information regarding the formation of the Owner corporation.)

Eligible Activities. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing (see Section III(C) of this NOFA).

Application Deadline. June 5, 2002.

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application on or before 6:00 pm, local time, on June 5, 2002, at the address shown below.

See the General Section of this SuperNOFA for specific procedures governing the application submission requirements to HUD field offices. Only Section 811 applications mailed via the United States Postal Service will be accepted.

Address for Submitting Applications. Submit your completed application (an original and four copies are required) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to this program section of the SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800-HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov/grants. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information Center at 1–800-HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the Section 811 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants* and from the appropriate Multifamily Hub Office or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Gail Williamson at HUD Headquarters at (202) 708–2866, or access the Internet at *http://www.hud.gov/grants*. Persons with hearing and speech impairments may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

HUD encourages minority organizations and grassroots organizations (e.g., civic organizations, congregations and faith-based and other community-based organizations) to participate in this program and strongly recommends prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions regarding the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov/grants*.

II. Amount Allocated

For FY 2002, $117,475,266 for capital advances is available for the Section 811 Program of Supportive Housing for Persons with Disabilities. The FY 2002 HUD Appropriations Act (Pub.L. 107–73, approved November 26, 2001) (HUD Appropriations Act) provides $240,865,000 for capital advances, including amendments to capital advance contracts; for supportive housing for persons with disabilities, as authorized by section 811 of the National Affordable Housing Act of 1990 (NAHA); and for project rental assistance for supportive housing for persons with disabilities under section 811 of the NAHA, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term and for tenant-based rental assistance contracts entered into pursuant to section 811 of the NAHA. Of this amount, $600,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

Twenty-five percent (25%) of $215,823,000 or $53.9 million (the amount remaining after the deductions for project rental assistance contract (PRAC) renewals, renewals of expiring contracts for tenant-based assistance and the amount to be transferred to the Working Capital Fund) is being set aside for tenant-based rental assistance for

persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program which is found elsewhere in this SuperNOFA.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 811 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY 2002 formula consists of two data elements from the 1990 Decennial Census: (1) the number of non-institutionalized persons age 16 or older with a work disability and a mobility or self-care limitation and (2) the number of non-institutionalized persons age 16 or older having a mobility or self-care limitation but having no work disability.

A work disability is defined as a health condition that had lasted for 6 or more months which limited the kind (restricted the choice of jobs) or amount (not able to work full time) of work a person could do at a job or business. A mobility limitation is defined as a health condition that lasted for 6 or more months, making it difficult for the person to go outside the home alone. This includes outside activities, such as shopping or visiting a doctor's office. A self-care limitation is defined as a health care limitation that had lasted for 6 or more months which made it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around inside the home. Temporary (short term) problems such as broken bones that are expected to heal normally are not considered problems.

Under the Section 811 Program, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each HUD Office jurisdiction whose fair share would exceed the set-aside based on the allocation formula fair share factors described below.

The fair share factors were developed by taking the sum of the number of persons in each of the two elements for each state, or state portion, of each local HUD Office jurisdiction as a percent of the sum of the two data elements from the Decennial Census, described above, for the total United States. The resulting percentage for each local HUD Office is then adjusted to reflect the relative cost of providing housing among the local HUD Office jurisdictions. The adjusted needs percentage for each local HUD Office is then multiplied by the total amount of capital advance funds available nationwide.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 local HUD Offices as shown on the following chart:

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Fiscal Year 2002 Allocations for Supportive Housing for Persons with Disabilities

[Fiscal Year 2002 Section 811 Allocations]

Office	Capital Advance Authority	Units
Boston Hub:		
Boston	$2,976,663	33
Hartford	1,936,740	23
Manchester	1,271,053	19
Providence	879,638	10
Total	**7,064,094**	**85**
New York Hub:		
New York	7,648,935	68
Total	**7,648,935**	**68**
Buffalo Hub:		
Buffalo	2,299,638	29
Total	**2,299,638**	**29**
Philadelphia Hub:		
Newark	4,112,294	44
Pittsburgh	1,980,587	28
Philadelphia	3,953,620	48
Charleston	1,386,307	20
Total	**11,432,808**	**140**
Baltimore Hub:		
Baltimore	1,784,474	24
Richmond	1,720,331	28
D.C.	1,883,997	25
Total	**5,388,802**	**77**
Greensboro Hub:		
Columbia	1,880,200	28
Greensboro	3,294,280	41
Total	**5,174,480**	**69**

Atlanta Hub:		
Atlanta	2,466,215	40
San Juan	2,650,388	28
Louisville	1,901,310	29
Knoxville	1,243,966	21
Nashville	1,417,019	23
Total	**9,678,898**	**141**
Jacksonville Hub:		
Jacksonville	4,539,477	75
Birmingham	2,046,309	33
Jackson	1,545,040	26
Total	**8,130,826**	**134**
Chicago Hub:		
Chicago	5,019,623	58
Indianapolis	2,172,915	32
Total	**7,192,538**	**90**
Columbus Hub:		
Cincinnati	1,372,687	21
Cleveland	2,506,192	34
Columbus	1,359,500	21
Total	**5,238,379**	**76**
Detroit Hub:		
Detroit	3,023,387	40
Grand Rapids	1,215,602	19
Total	**4,238,989**	**59**
Minneapolis Hub:		
Milwaukee	1,975,162	25
Minneapolis	1,851,097	23
Total	**3,826,259**	**48**
Fort Worth Hub:		
Fort Worth	2,712,704	45
Houston	1,811,282	30
Little Rock	1,317,626	24
New Orleans	1,911,260	32
San Antonio	1,655,717	29
Total	**9,408,589**	**160**
Kansas City Hub:		
Des Moines	1,268,970	20
Kansas City	1,764,278	26
Omaha	679,936	10
Oklahoma City	1,410,061	25
St. Louis	1,808,839	24
Total	**6,932,084**	**105**

Denver Hub:		
Denver	2,063,368	31
Total	**2,063,368**	**31**
San Francisco Hub:		
Honolulu (Guam)	1,711,728	10
Phoenix	1,513,446	23
Sacramento	1,643,154	19
San Francisco	4,469,565	43
Total	**9,337,893**	**95**
Los Angeles Hub:		
Los Angeles	7,108,940	85
Total	**7,108,940**	**85**
Seattle Hub:		
Anchorage	1,711,728	10
Portland	1,654,235	23
Seattle	1,943,783	24
Total	**5,309,746**	**57**
National Total	**$117,475,266**	**1,549**

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to construct, rehabilitate, or acquire structures (including structures from the Federal Deposit Insurance Corporation (FDIC)), to be developed into a variety of housing options described in Section III(C) below. Capital advance funds may also be used in combination with other non-Section 811 funding sources to develop additional units for a mixed-finance or mixed-use project. (See Note below.) Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for at least 40 years for occupancy by very low-income persons with disabilities. PRAC funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units if the Sponsor has legal control of an approvable site and the additional units do not cause the project to exceed the project size limits if they will also house persons with disabilities. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

(B) *Eligible Applicants.* Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants for this program. A Sponsor or Co-sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub. In addition, a Sponsor or Co-sponsor may not apply for more units in a given HUD Office than allocated for the Section 811 program in that HUD Office, or for more than 10 percent of the total units allocated in all HUD offices. If the proposed project will be an independent living project, your application must request at least five units, not necessarily in one structure. If your proposed project will be a group home, your Sponsor must request at least two units per group home. If your proposed project will be a combination of an independent living project and a group home, your application must request at least the minimum number of units for each project type. Affiliated entities that submit separate applications are considered a single entity for the purpose of these limits.

(C) *Eligible Activities.* The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in multifamily housing developments, condominium and cooperative housing and small group homes.

(Note: You may propose to rehabilitate an existing currently-owned or leased structure that may or may not already serve persons with disabilities.)

(D) *Ineligible Activities.* Section 811 funds may not be used for any of the following:

(1) Nursing homes, infirmaries and medical facilities;

(2) Transitional housing facilities;

(3) Manufactured housing facilities;

(4) Intermediate care facilities;

(5) Community centers, with or without special components for use by persons with disabilities;

(6) Sheltered workshops and centers for persons with disabilities;

(7) Headquarters for organizations for persons with disabilities; and

(8) Refinancing of Sponsor-owned facilities without rehabilitation.

IV. Program Requirements

By signing Form HUD–92016, Application for a Section 811 Capital Advance, you are certifying that you will comply with the program requirements listed in the **General Section** of this SuperNOFA as well as the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all statutory and regulatory requirements listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) below, must be used to determine the capital advance amount reserved for projects for persons with disabilities:

(a) *For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing:* The total development cost of the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you will pay for) may not exceed:

Non-elevator structures:

$41,238 per family unit without a bedroom;

$47,548 per family unit with one bedroom;

$57,344 per family unit with two bedrooms;

$73,400 per family unit with three bedrooms;

$81,770 per family unit with four bedrooms.

For elevator structures:

$43,398 per family unit without a bedroom;

$49,748 per family unit with one bedroom;

$60,493 per family unit with two bedrooms;

$78,257 per family unit with three bedrooms;

$85,902 per family unit with four bedrooms.

(b) *For group homes only:*

TYPE OF DISABILITY

# Residents	Physical/ develop-mental	Chronic mental illness
2	$166,022	$160,262
3	178,533	172,340
4	191,045	183,069
5	203,556	193,798
6	216,054	204,527

(c) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

(2) *Increased development cost limits.*

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(c) For group homes only, HUD Offices may approve increases in the development cost limits in Section IV(C)(1)(b), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is evidence of at least three land sales which have actually taken place (listed prices for land are not acceptable) within the last two years in the area where your project is to be built. The average cost of the documented sales must exceed ten percent of the development cost limit for your project in order for an increase to be considered.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount not to exceed a maximum of $10,000 in accordance with 24 CFR 891.145.

(E) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for persons with disabilities, you should note 24 CFR 891.310, which requires that your project meet accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible, in accordance with 24 CFR 891.120, 891.310 and section 504 of the Rehabilitation Act of 1973, without resulting in an infeasible project. HUD also encourages you to add accessible design features beyond those required under civil rights laws and regulations. See Section VI(C) of the **General Section** of this SuperNOFA, entitled ''Encouraging Accessible Design Features.''

(F) *Conducting Business in Accordance With Core Values and Ethical Standards.* Section 811 Sponsors are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the **General Section** of this SuperNOFA. However, Sponsors are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to submit a signed Conflict of Interest Resolution and include it in your application. Further, if awarded a Section 811 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 811 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

(G) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 811 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the **General Section** of the SuperNOFA, you are required to comply with Executive Order 12432—Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

(H) *Fair Housing Requirements.* You must comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity. You are required to affirmatively further fair housing in conducting your programs or activities in accord with Section II(D) of the **General Section** of the SuperNOFA entitled, ''Affirmatively Furthering Fair Housing.''

(I) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons) and its implementing regulations at 24 CFR part 135. To comply, you must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, toward low and very low income persons, particularly those who are recipients of government assistance for housing; and to business concerns which provide economic opportunities to low and very low income persons. To comply with section 3 requirements, you are required to strongly encourage the general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

(J) *Design and Cost Standards.* You must comply with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(K) *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land: (1) That you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation, with reasonable evidence of the basis for the estimate.

(L) *Formation of Owner Corporation.* You must form an ''Owner'' in accordance with 24 CFR 891.305 after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(M) *Supportive Services.* You are required to include a Supportive Services Plan and a certification from the appropriate State or local agency that the provision of services identified in your Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Section VI(B)(4)(e) of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the State or local agency to review your Supportive Services Plan and complete the Supportive Services Certification and return it to you so that you can include it in the application you submit to HUD.

(1) HUD will reject your application if the supportive services certification:

(i) Is not submitted with your application *and* is not submitted to HUD within the 14-day cure period; or

(ii) Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project; or

(iii) Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(2) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's supportive services certification indicates—or, where the agency fails to complete item 3 or 4 of the certification, HUD determines that:

(i) You failed to demonstrate that supportive services will be available on a consistent long-term basis; and/or

(ii) The proposed housing is not consistent with State or local agency plans/policies addressing the housing needs of people with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident.

You must not require residents to accept any supportive services as a condition of occupancy or admission.

(N) *Davis-Bacon.* You must comply with the Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

(O) *Flood Disaster Protection Act of 1973.* You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

(P) *National Environmental Policy Act.* You must comply with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b).

(Q) *Sites.* (1) NAHA requires you to provide in your application either:

(a) Evidence of site control, or

(b) A reasonable assurance that you will have control of a site within six months of notification of fund reservation.

(2) Accordingly, if you have control of a site at the time you submit your application, you must include evidence of such as described in Section VI(B)(4)(d)(i) of this program section of the SuperNOFA relative to site control. If you do not have site control of one or more of your sites, you must provide the information required in Section VI(B)(4)(d)(ix) of this program section of the SuperNOFA under ''site identified'' for any site not under control as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

(3) Under Criterion (a) of Rating Factor 3 in Section V(D), below, related to your proposed site, your application has the potential of earning 17 points. Criterion (a)(i) is related to site approvability and is worth a maximum of 7 points. Five points for Criterion (a)(ii) will be awarded if your project will represent an integrated housing model (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). Criterion (a)(iii) which is worth five points for site control will be awarded as outlined in Section IV(D)(5) below. Regardless of whether you submit evidence of site control or have identified a site without obtaining control of the site, the site will be evaluated based on its proximity or accessibility to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended tenants.

(4) To meet the ''proximity'' or ''accessibility'' test, you must demonstrate that community services and amenities described above are either near or accessible to the residents. Sites where the community services and amenities described above are either near or accessible to the residents other than solely by a project residence or private vehicle will be rated more favorably than sites where residents must depend upon the project residence or private vehicle to access such community services and amenities. Your application will also be evaluated to determine whether it complies with the site and neighborhood standards in 24 CFR 891.125.

(5) Criterion (a)(iii) relates to the existence of legally acceptable site control. If you:

(a) Submit evidence of site control for all proposed sites in your application,

(b) The evidence is determined to be legally acceptable for all of the sites, and

(c) All of the sites are approvable (i.e., receive a score of 1 or higher for Criterion (a)(i), your application will receive 5 points for Criterion (a)(iii).

(d) If any of your proposed sites are not permissively zoned, one (1) point will be deducted in Criterion 3(a)(iv).

(6) If your application contains evidence of site control where either the evidence or the site is not approvable, your application will *not* be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification.

(R) *Project Size Limits.*

(1) *Independent living project*—The minimum number of units that can be applied for in one application is five; not necessarily in one structure. The maximum number of persons with disabilities that can be housed in an independent living project is 14 plus one additional one or two bedroom unit for a resident manager, if necessary.

(2) *Group home*—The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. An additional one or two bedroom unit can be provided for a resident manager. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom.

(S) *Lead-Based Paint.* You must comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35.

(T) *Truth and Accuracy.* By signing your application, you are certifying that the information you are providing to HUD in your application under the

Section 811 Program of Supportive Housing for Persons with Disabilities is true and accurate, to the best of your knowledge.

(U) *Expiration of Section 811 Funds.* The FY 2002 HUD Appropriations Act requires HUD to obligate all Section 811 funds appropriated for FY 2002 by September 30, 2004. Under 31 USC 1551, no funds can be disbursed from this account after September 30, 2009. Under Section 811, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project owner by September 30, 2009, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application, you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2009. Furthermore, absent Congressional relief, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2009. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to the appropriate HUD office. HUD will screen all applications received by the deadline to determine if there are any curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of your application. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

Exhibits

(1) Form 92016–CA (Application Form)*
(2) (a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4) (c)(ii) Energy efficiency
(d)(vii) Letter from the State Historic Preservation Officer (SHPO)
(d)(viii) Seek alternate site
(e) Supportive Services Plan
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance (and compliance with Executive Order 12372)*
(b) Form-HUD 50070, Certification of a Drug-Free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(g) Conflict of Interest Resolution
(h) Resolution for Commitment to Project*
(j) Supportive Services Certification

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will give you 14 days from the date of the notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the **General Section** of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office.

The HUD Office will make a determination on an appeal before making its selection recommendations. Your application(s) will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, your application will be rated according to the Rating Factors in Section V(D) below.

If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

(C) *Ranking and Selection Procedures.* Applications that have a total base score of 70 points or more (without the addition of EC/EZ bonus points) and meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA will be eligible for selection and will be placed in rank order. HUD will select applications, after adding any bonus points for EC/EZ, based on rank order, up to and including the last application that can be funded out of each HUD Office's allocation. HUD Offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After this process is completed, residual funds from all HUD Offices within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds, to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than 5 units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these funds first to restore units to projects reduced by HUD Offices as a result of the instructions for using their residual funds. HUD Headquarters will then use these funds for selecting applications based on field offices' rankings, beginning with the highest rated application nationwide. Only one application will be selected per HUD Office from the national residual amount. If there are no approvable applications in other HUD Offices, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in Section

VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two (2) EZ/EC bonus points, as described in the **General Section** of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), (B)(3)(e), and (B)(5) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a)(i) (**11 POINTS**) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.,* number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(a)(ii) (**1 POINT**) Your organization is a ''grassroots'' organization as defined in the **General Section** of this SuperNOFA.

(b) (**8 POINTS**) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and disability communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Appendix section of the Office of Management and Budget's (OMB) **Federal Register** Notice entitled ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' and dated October 30, 1997 (62 FR 58782–90). This notice contains the definitions of the various racial and ethnic data categories that were used in the 1990 Census. It can be found on the OMB Web site at: *www.whitehouse.gov/omb/fedreg/ombdir15.html.*

(c) (**5 POINTS**) You have experience in developing integrated housing (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

(d) (**−2 POINTS**) A fund reservation you received under either the Section 811 program of Supportive Housing for Persons with Disabilities or the Section 202 program of Supportive Housing for the Elderly has been extended beyond 36 months (except if the delay was beyond your control). Examples of such delays include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

(e) (**−1 POINT**) Amendment money was required as a result of the delay in (d) above (except if the delay was beyond your control).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing comparable subsidized housing for persons with disabilities and current occupancy in such housing, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (38 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2)(d), (B)(4)(c), (B)(4)(d), and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) (**7 POINTS**) Site approvability—The proximity or accessibility (other than by sole means of a project residence or private vehicle) of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e);

(a)(ii) (**5 POINTS**) Integrated model—If your project will be an integrated model as described in Section IV(Q) above, your application will receive 5 points for this Criterion.

(a)(iii) (**5 POINTS**) Site control—If your application contains legally acceptable site control for all proposed sites and all of the proposed sites are approvable (i.e., receive a score of 1 or higher on Criterion (a)(i)), your application will receive 5 points for site control.

(a)(iv) (**−1 POINT**) One or more of your proposed sites is not permissively zoned for the intended use.

(b) **(8 points)** The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. If appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods if located in such a neighborhood. (''Nonminority area'' is defined as one

in which the minority population is lower than 10 percent.); or

—Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(ii) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

—The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,

—The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or

—In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

(c) **(4 points)** The extent to which the proposed design of the project, including both the exterior and interior design, will meet the individual needs of persons with disabilities the housing is expected to serve;

(d) **(4 points)** The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible; and

(e) **(5 points)** At least 51% of your board members are persons with disabilities.

(f) **(–1 point)** Your application did not include a plan for completing your project within the initial fund reservation period of 18 months.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) **(5 points)** The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) **(5 points)** The extent of your activities in the community, including previous experience in serving the area where the project is to be located, developing integrated housing models and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (12 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations that will not be directly involved in the proposed project, participate or promote participation in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), and are working towards addressing a need in a holistic and comprehensive manner to ensure that the project will not operate in isolation. This factor also addresses the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h), (B)(3)(i) and (B)(3)(j) of Section VI of this program section of the SuperNOFA.

(a) **(3 points)** You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project;

(b) **(2 points)** The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD Office) that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(c) **(2 points)** The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice) to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) **(2 points)** The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments; and

(e) **(2 points)** The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period.

(f) **(1 point)** Your project will provide activities that will improve computer access, literacy and employment opportunities (*e.g.,* programs that can teach residents how to use computers to achieve educational goals and economic self-sufficiency through job training and placement).

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the **General Section** of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(i) of Section VI of this program section of the SuperNOFA.

(E) *Applicant Debriefing.* In accordance with the **General Section** of this SuperNOFA, you may request a debriefing on your application. The request must be made in writing to the Director of Multifamily Housing in the HUD Field Office to which you sent your application no sooner than 30 days after the awards for assistance are announced in the **Federal Register**. Materials provided to you during your debriefing will be the score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Section VI(B)(2)(a), (b), and (c), below, of this

program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on information submitted in Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

(B) **General Application Requirements.** Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Note: You may apply for a scattered site project in one application.

(1) Form HUD–92016–CA, Application for Section 811 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a nonprofit organization, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by you and all Co-Sponsors, including churches).

Note: If you received a Section 811 Fund Reservation within the last three funding cycles, you are not required to submit the documents described in paragraph (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(2)(d) The number of people on your board and the number of those people who have disabilities.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community in which your project will be located and to the minority and disability communities in particular, including a description of the specific geographic area(s) in which you have served;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that you expect to serve in the proposed project (*e.g.*, the local center for independent living, the Statewide Independent Living Council);

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, and your experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded Section 811 or Section 202 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description of your efforts to involve persons with disabilities (including minority persons with disabilities) in the development of your application and in the development and operation of the project.

(3)(g) A description of the steps you took to coordinate your application with other organizations (*e.g.,* the local center for independent living), that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support your proposed project so that the project will provide a comprehensive and holistic solution to the needs of persons with disabilities. Also describe the steps you will take, if funded, to share information on solutions and outcomes relative to the development of your proposed project.

(3)(h) A description of your involvement in the community's planning process (*e.g.,* the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the areas of the community's planning process in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations or any committees that support programs and activities that enhance projects, or the lives of residents of projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the community's planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area if that is the process you wish to become involved in.)

(3)(i) A description of the practical solutions you will implement which will enable the residents of your project to achieve independent living and economic empowerment. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include the activities you will undertake that will improve computer access, literacy and employment opportunities (*e.g.,* provide programs that can teach residents how to use computers to become educated as well as achieve economic self-sufficiency through job training and placement). And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(3)(j) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period. This description should address the measures you would take should any of the following occur: (1) funding for any of the needed supportive services becomes depleted or, (2) if, for any state funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose, or (3) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(4) Project information including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, State or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located;

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if independent living units (including dwelling units in multifamily housing developments, condominiums and cooperatives), number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; an identification of all community spaces, amenities, or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special project standards of § 891.310, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and a description of how the design of the proposed project will promote the integration of the residents into the surrounding community and create opportunities for independent living; and

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (*i.e.,* in addition to the Section 811 units) with the use of Section 811 capital advance funds in combination with other funding sources. See Section III.A. for further information regarding the additional units. Specify the number of Section 811 units and the number of additional units from non-Section 811 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 811 units and any responses thereto. You must also demonstrate your ability to proceed with the development of a Section 811 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding, or HUD disapproves your proposal for mixed-financing or mixed-use.

Note: Approval of the Section 811 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 811 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence of control of an approvable site, or identification of a site for which you provide a reasonable assurance that you will obtain control within 6 months from the date of fund reservation (if you are approved for funding).

Site control—If you are submitting an application with site control, you must submit the following:

(4)(d)(i) Acceptable evidence that you have site control, which is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 811 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six month option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier Section 811 or an FHA-insured mortgage), you must submit evidence that consent to release of the site from the mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. If HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of

the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the site will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a General Contractor (or its affiliate) that will construct the Section 811 project or from any other development team member.

(4)(d)(iii) Evidence that your project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make your proposed project permissible. You must provide the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, *etc.*).

Note: You should be aware that under certain circumstances the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then you must clearly articulate the basis for your reasonable accommodation theory.

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area as well as a description of the area surrounding the site, the characteristics of the neighborhood, how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning board, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved housing quality and services for all persons with disabilities.

(4)(d)(v) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration. For this competition, you should use the racial and ethnic data categories stated in the Appendix section of the October 30, 1997, Office of Management and Budget **Federal Register** Notice (62 FR 58782–90) (a copy may also be obtained at *http://www.whitehouse.gov/omb/fedreg/ombdir15.html),* and data from the 1990 Census of Population, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site. Data from the 1990 Census of Population may also be found at *www.factfinder.census.gov/servlet/BasicFactsServlet.*

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. The Phase I study is not a curable deficiency for the Section 811 Program. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site.

Note: You are not limited to acquiring properties from the FDIC. However, if the property is to be acquired from the FDIC, include a copy of the FDIC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control you must submit this information to the local HUD Office on or before July 5, 2002.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site(s) has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and

(*C*) A copy of the SHPO's response, if available.

(4)(d)(viii) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

Site identified—If you have identified a site, but do not have it under control, you must submit the following information:

(4)(d)(ix) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, and how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas;

(4)(d)(x) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding;

(4)(xi) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding;

(4)(d)(xii) A status of the sale of the site; and

(4)(d)(xiii) An indication as to whether the site would involve relocation.

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (e.g, only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(4)(e) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in Section IV(M) of this program section of the SuperNOFA) that includes:

(4)(e)(i) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred to and accepted for occupancy in the project.

(4)(e)(ii) Information concerning limitation of occupancy, if applicable. You may, with the approval of the Secretary, limit occupancy within housing developed under this program section of the SuperNOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability. If you are requesting approval to limit occupancy in your proposed project(s), you must submit the following:

(*A*) A description of the population of persons with disabilities to which occupancy will be limited;

(*B*) An explanation of why it is necessary to limit occupancy of the proposed project(s) to the population described in (4)(e)(ii) above. This should include but is not limited to:

—An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 Program; and,

—An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting

(*C*) A description of your experience in providing housing and/or supportive services to the proposed occupants; and

(*D*) A description of how you will ensure that the occupants of the proposed project(s) will be integrated into the neighborhood and surrounding community.

(4)(e)(iii) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(4)(e)(iv) A list of community service providers, including those that are consumer-controlled, and letters of intent to provide services to residents of the proposed project(s) from as many potential service providers as possible. You must make this list available to any residents who wish to be responsible for acquiring their own supportive services. However, a provider may not require residents to accept any particular service.

(4)(e)(v) The evidence of each service provider's capability and experience in providing such supportive services (applicable even if you will be the service provider);

(4)(e)(vi) Identification of the extent of State and/or local agency involvement in the project (*i.e.*, funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any State or local agency involvement, a description of the State or local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population;

(4)(e)(vii) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(*A*) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(*B*) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(*C*) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(4)(e)(viii) A description of how the residents will be afforded opportunities for employment.

(4)(e)(ix) An indication as to whether the project will include a unit for a resident manager; and

(4)(e)(x) A statement that you will not condition occupancy on the resident's acceptance of any supportive services.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD Office in response to this announcement of Section 811 Program funding availability or the announcement of funding availability for the Section 202 Program of Supportive Housing for the Elderly, published elsewhere in this SuperNOFA. Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Include a list of all FY 2001 and prior year projects to which you are a party. Identify each by project number and HUD Office and include the following information: (a) whether the project has initially closed and, if so, when, (b) if the project was older than 36 months when it initially closed or is older than 36 months now and has not initially closed, provide the reasons for the delay in closing; (c) whether

amendment money was or will be needed for any project in (b) above; and (d) those projects which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations) by race/minority group and status as owners or tenants occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons who have moved from the site within the last 12 months. (This requirement applies to applications with site control only. Sponsors of applications with identified sites that are selected will be required to submit this information at a later date once they have obtained site control.)

Note: If any of the relocation costs will be funded from sources other than the Section 811 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.,* cost of site acquisition, relocation, construction and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the **General Section** of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD 424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review in accordance with Executive Order 12372). (See instructions for submitting this form in the Consolidated Application Submissions section of the **General Section** of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510)*

—a certification attesting to the eligibility of your principals.

(7)(f) *Certification of Consistency with the Consolidated Plan (Plan) (Form HUD–2991)* for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(g) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term.

(7)(h) *A Certified Board Resolution acknowledging responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(i) *Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents. (This certification is not required if the project site(s) will not be located in an EZ/EC.)

(7)(j) *Supportive Services Certification.* A certification from the appropriate State or local agency identified in the application kit indicating whether the:

(7)(j)(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(7)(j)(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(7)(j)(iii) Supportive services will be available on a consistent, long-term basis; and

(7)(j)(iv) Proposed housing is consistent with State or local plans and policies addressing the housing needs of people with disabilities if the State or local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency will be identified in the application kit and can also be obtained from the appropriate HUD Office.)

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Formation of Owner Corporation for Development of Section 811 Projects and for Section 811 Projects Involving Mixed-Financing or a Mixed-Use Purpose.

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; i.e., all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, OR (2) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 811 units, a for-profit limited partnership with the nonprofit entity as the sole general partner.

IX. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101–625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992) (Pub.L. 102–550, approved October 28, 1992); the Rescissions Act (Pub.L. 104–19, approved July 27, 1995); the American Homeownership and

Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) and the fiscal year 2002 HUD Appropriations Act (Pub.L. 107–73, approved November 26, 2001) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly).

APPENDIX A: LOCAL HUD OFFICES

Notes: (1) The first line of the mailing address for all offices is U.S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

(2) Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

(3) Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

(4) Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

(5) Applications proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

HUD—Boston Hub

Hartford Office, One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office, Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 994–8500, TTY Number: (617) 565–5453

Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—New York Hub

New York Office, 26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office, Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Richmond Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—Atlanta Hub

Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303–2806, (404) 331–5001, TTY Number: (404) 730–2654

San Juan Office, Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office, Suite 200, 235 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626, TTY Number: (904) 232–2631

Birmingham Office, Medical Forum Building, 950 22nd St., North, Suite 900, Birmingham, AL 35203–5301, (205) 731–2630, TTY Number: (205) 731–2624

Jackson Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680, TTY Number: (312) 353–5944

Indianapolis Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office, Trade Center Building, 50 Louis Street, NW., Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–2540, TTY Number: (614) 469–6694

Cleveland Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—Ft. Worth Hub

Little Rock Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office, 801 Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–5965, TTY Number: (817) 978–5595

Houston Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—Great Plains

Des Moines Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

Omaha Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—San Francisco Hub

Phoenix Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

Honolulu Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—Los Angeles Hub

Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—Seattle Hub

Portland Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

Appendix B

The non-standard forms, which follow, are required for your Section 811 Program application.

BILLING CODE 4210–32–P

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PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: Your Legal Status

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

(d) The number of people on your board and the number of board members who have disabilities _____

EXHIBIT 3: Your purpose, community ties and experience:

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large, to the target population, and description of geographic areas served _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

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(e) Housing and/or supportive services experience _____

(f) Efforts to involve target population _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's planning process including Analysis of Impediments to Fair Housing Choice:

(i) Agency that organizes/ administers the process _____

(ii) Identification of areas of community's planning process in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Description of practical solutions to be implemented _____

(j) Description of how project will remain viable _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE, SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

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(c) A narrative description of the project, including:

(i) Building design _____

(ii) Whether and how project will promote energy efficiency _____

(iii) If, applicable, description of plans and actions to create a mixed-finance/mixed-use project _____

(iv) Description of plan for completing project within 18 mth fund reservation period (optional) _____

(d) Evidence of site control and permissive zoning, **OR** identification of site if applying for Section 811 without having site control (in this latter case skip to **Identification of Site** below):

Evidence of Site Control:

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic

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Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

(C) SHPO's response, if available _____

(viii) Willingness to seek an alternate site _____

Identification of a Site:

(ix) Location of site _____

(x) Steps undertaken to identify site; what must be done to obtain site control _____

(xi) Whether site is properly zoned _____

(xii) Status of the sale of the site _____

(xiii) Whether the site would involve relocation _____

(e) Provision of supportive services:

(i) Description of occupancy _____

(ii) Request for approval to limit occupancy, if applicable, including:

(A) Description of population to which occupancy will be limited _____

(B) Why it is necessary to limit occupancy, including:

-- How goals of 811 will still be achieved _____

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-- Why housing and services needs cannot be met in more integrated setting _____

(C) Experience in providing housing and/or supportive services to proposed population _____

(D) How you will ensure occupants will be integrated into neighborhood and community _____

(iii) Supportive services needs of proposed population _____

(iv) List of community service providers with letters of intent _____

(v) Evidence of each service provider's capability and experience _____

(vi) Extent of State and local agency involvement in project _____

(vii) Letter indicating your commitment to make services available or coordinate their availability _____

(viii) How residents will be afforded employment opportunities _____

(ix) Whether project will include manager's unit _____

(x) Statement that you will not condition occupancy on the resident's acceptance of supportive services _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 811 or Section 202 NOFA, and

PAGE

required information about each _____

EXHIBIT 6: A statement that:

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

NOTE: Exhibit 6 applies to applications with site control only.

EXHIBIT 7: CERTIFICATIONS AND RESOLUTIONS:

(a) Standard Form 424 _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Disclosure of Lobbying Activities (Standard Form LLL), if applicable _____

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____

(e) Certification Regarding Debarment and Suspension (HUD-2992) _____

(f) Certification of Consistency with the Consolidated Plan (HUD-2991) _____

(g) Sponsor's Conflict of Interest Resolution _____

(h) Sponsor's Resolution for Commitment to Project _____

(i) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____

(j) Supportive Services Certification _____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.6/30/2002)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories _____

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory _____

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

11. Check utilities and services not included in the rent and to be paid directly by the tenant

- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features

- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)

- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title Date(mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those

(2)

Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its respon-sibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the

(2)

minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ **of the Sponsor on the** _____**day of** _____, _____.

_____

Authorized Signature

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES (Section 811 Only)

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. The provision of supportive services is:

   _____ Well designed _____ Not well designed

   to serve the individual needs of persons with disabilities the housing is expected to serve.

2. The provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

   _____ Will enhance _____ Will not enhance

3. The supportive services will be available on a consistent, long-term basis.

   _____ Yes _____ No

4. The proposed housing is:

   _____ Consistent _____ Inconsistent

   with State or local plans and policies addressing the housing needs of people with disabilities.

_____ _____

Sponsor **Project Location**

_____

(Print Name of Authorized Official)

_____

(Signature) / (Date)

_____

(Title)

_____

(Agency Name)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing and related supportive service needs of persons with HIV/AIDS and their families.

Available funds. Approximately $27,543,000 (and under a related part of this SuperNOFA, up to $2,000,000 for technical assistance for the HOPWA program). Funds will be made available under this program NOFA in the following priority order: (1) Renewal of expiring HOPWA grants providing permanent supportive housing as described in Part B: Renewal Projects; (2) award of project outcome add-on funding for HOPWA grants not receiving such funding, as described in Part C: Project Outcomes Add-on Funding; and (3) to continuing and new projects seeking HOPWA funding, as described under Part D: Continuing and New Projects.

Eligible Applicants. States, units of general local government, and nonprofit organizations may apply for HOPWA competitive funding under this NOFA. Additional, eligibility requirements are outlined under each part of this program NOFA.

Application Deadline.

Part B: Project Renewals: May 16, 2002
Part C: Project Outcome Add-on Funding: May 16, 2002
Part D: Continuing and New Projects: June 25, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following sections of this program NOFA. For more information on the program itself including eligible uses of funds, see the HOPWA program regulations at 24 CFR Part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901), which control over any information contained herein.

PART A: GENERAL PROGRAM REQUIREMENTS

The following information provides general guidelines, policies, and requirements for applicants applying for HOPWA competitive funding under this NOFA. Unless otherwise noted, the following provisions apply to applicants of Parts B–D of this program NOFA.

I. Available Funding and Additional Resources

(A) *HOPWA FY2002 Competitive Program.* Through this NOFA, approximately $27,543,000 is being made available for HOPWA awards. Additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year. Priority funding will be given to applicants applying, first, to renewal of expiring permanent supportive housing grants as outlined under Part B of this program NOFA. Secondly, if funds remain, HUD will fund applicants for project outcome add-on funding, as outlined under Part C of this program NOFA. Lastly, if funds remain, HUD will award funds for continuing or new projects, as outlined under Part D of this program NOFA.

(B) *Availability of FY 2002 Formula Allocations.* You should consider seeking funds from the formula component of the HOPWA program and from other resources. Ninety (90) percent of the HOPWA program is allocated by formula to recipient states and cities. In FY2002, a total of $247,889,000 million was allocated by formula to the qualifying cities for 74 eligible metropolitan statistical areas (EMSAs) and to 34 eligible States for areas outside of EMSAs. All HOPWA formula grants are available as part of the jurisdiction's Consolidated Plan. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD HOME Page at www.hud.gov/grants.

(C) *Availability of National HOPWA Technical Assistance.* To apply for HOPWA technical assistance funds, submit an application for funds under the Community Development Technical Assistance (CDTA) part of this notice, which is published elsewhere in this SuperNOFA. The CDTA notice makes available up to $2,000,000 in HOPWA funds to organizations for technical assistance support on a national or regional basis.

II. Application Kits, Further Information, and Technical Assistance

(A) *Where to Send Your Application.* You must send your application on or before **12:00 midnight, Eastern time**, consistent with the specific due date for your application as stated in the Program Overview of this program NOFA, to HUD Headquarters. See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (*e.g.,* mailed applications, express mail, or overnight delivery.

(B) *Address for Submitting Applications.* Your completed application consists of an original signed application and three copies. Submit the original application and one copy to: Department of Housing and Urban Development, Attn: HOPWA, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. The original application submitted to HUD headquarters is considered the official application.

Submit the additional two (2) copies of your application to the area CPD Field Office or Offices that serve the area in which activities are proposed. For multi-state efforts you must submit two copies of your application to the Field Office that serves your main office. The list of addresses for area CPD Field Offices is provided as Appendix B of this program section of this SuperNOFA. If you propose nationwide activities, you must send all copies to the HUD headquarters office. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile, email, and telephone number (including area code).

(C) *For Application Kits.* Although you may begin working on your application with the materials provided in this NOFA and its appendixes, please call the SuperNOFA Information Center at 1–800–HUD–8929 (1–800–483–8929) for an application kit. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number). The application kit also will be available on the Internet through the HUD Web site at *http://www.hud.gov/grants.*

(D) *For Further Information and Technical Assistance.* You may call the HUD Field Office serving your area, at the telephone number shown in Appendix B, or you may contact the Office of HIV/AIDS Housing, HUD at (202) 708–1934. HUD staff may assist with program questions, but may not assist in preparing your application.

(E) *Seeking Technical Assistance in Developing a HOPWA Application.* HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD

determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable for any funds already spent.

(F) *Satellite Broadcast.* HUD will hold information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov/grants.*

III. Applicable Requirements of the General Section of the SuperNOFA

The provisions outlined within the General Section of the SuperNOFA apply to the HOPWA program unless otherwise stated within this program NOFA. Specifically, you are encouraged to review:

(A) *Section II: Requirements and Procedures Applicable to All Programs.* The threshold requirements in the General Section apply to the HOPWA program and applicants must meet all threshold requirements to receive funding.

(B) *Section VI: HUD's* FY 2002 SuperNOFA Policy *Priorities.* HUD has identified policy priorities which applicants are encouraged to address in implementing programs funded under this notice. Applicable policy priorities for HOPWA grants seeking funding under Part D of this program NOFA are outlined in Part D, Section III: Policy Priorities. Applicants seeking funding under Parts B and C of this program NOFA are not required to address HUD's policy priorities.

IV. Corrections to Deficient Applications

See Part V: Corrections to Deficient Applications of the **General Section** of the SuperNOFA.

V. Award Modifications

After reviewing each application HUD reserves the right to:

(A) *Make Award Adjustments.* HUD reserves to make award adjustments as outlined in Section III.(E), Application Selection Process, of the **General Section** of this SuperNOFA.

(B) *Add Project Outcome Funding.* Applicants must add up to $50,000 to the HOPWA application for the purposes of the collection of data on project outcomes. If an applicant fails to request this level of funding for this activity, HUD reserves the right to add such funding to the selected application.

(C) *Not to Duplicate Continuum of Care Projects.* HUD reserves the right to ensure that activities funded under the FY 2002 Continuum of Care will not duplicate new or continuing activities funded under this competition.

VI. Statutory Certifications

HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the **General Section** of the SuperNOFA unless stated below. The following certifications must be included with your application. All certifications and forms, except those found in the **General Section** of the SuperNOFA, are included in the appendixes to the HOPWA section of the NOFA.

(A) *Certifications found in the General Section of the SuperNOFA.*

(1) *Consolidated Plan Certification (HUD–2991).* Except as stated below, you must include a Consolidated Plan certification from the applicable State or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands you are not required to include a Consolidated Plan certification with your application. The authorizing official from the State or local government must sign this certification.

(2) Certification of Drug-Free Workplace (HUD–50070)
(3) Certification of Payments to Influence Federal Transactions (HUD–50071)
(4) Disclosure of Lobbying Activities (SF–LLL)
(5) Certification Regarding Debarment and Suspension (HUD–2992)
(6) Consistency with the RC/RC/EZ/EC Strategic Plan (HUD–2990)
(7) Applicant/Recipient Disclosure/ Update Report (HUD–2880)

(B) *HOPWA Certification found at Appendix D of this program section of the NOFA.*

(1) Fair Housing and Non-discrimination
(2) Environmental Law and authorities
(3) Continued use periods for assisted structures
(4) Debarred, Suspended and Ineligible Principals

VII. Program Requirements

(A) *Nonprofit Requirement.* To be eligible as a nonprofit applicant or project sponsor, you must satisfy the requirements of 24 CFR 574.3. Your application must establish both that you are a nonprofit organization and that your organizational documents include a purpose of significant activities related to providing services or housing to persons with HIV/AIDS.

If you do not qualify as a nonprofit, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(1) We will accept as evidence of your nonprofit status:

(a) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(C) (3), (4), (6), (7), (9) or (19) of the IRS code; or

(b) A ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101); or

(c) Documentation showing that the applicant is a certified United Way agency; or

(d) All of these:

(i) A certification by the appropriate official of the jurisdiction under whose laws the nonprofit was organized that your organization was so organized and is in good standing;

(ii) A certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance; and

(iii) An opinion letter from a CPA that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of them):

(*1*) Accurate, current and complete disclosure of the financial results of each federally funded project;

(*2*) Records that identify adequately the source and application of funds for federally funded activities;

(*3*) Effective control over and accountability for all funds, property and other assets;

(*4*) Comparison of outlays with budget amounts;

(*5*) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the US Treasury and the use of funds for program purposes;

(*6*) Written procedures for the determining the reasonableness, allocability and allowability of costs; and

(7) Accounting records including cost accounting records that are supported by source documentation.

(2) We will accept as evidence of your purpose, a certified copy of the organization's articles of incorporation and by-laws which includes in the organization's purposes significant activities related to providing services or housing to persons with HIV/AIDS.

(B) *Performance Benchmark Requirements.* All grantees receiving funds under this program NOFA are expected to meet the following benchmark requirements. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(1) *Execution of Grant Agreement.* Selected applicants must execute grant agreements by the earlier of September 25, 2003 or the first anniversary of HUD's announcement of the awards. HOPWA grants are obligated upon grant execution and the FY 2002 Appropriations Act requires HUD to obligate funds within two years of the appropriation, September 30, 2003, or to lose the funds.

(2) *Disbursement of Funds.* Grantees receiving awards under this NOFA must fully expended their grants no later than the earlier of three years following the effective date of the grant agreement or by September 30, 2008. The FY2002 Appropriation Act requires deobligation of grant funds which not expended within five years of the appropriation, September 30, 2008.

(3) *Site Control through Acquisition or Lease.* If you acquire or lease a site, you are required to gain site control within one year from the date your selection letter was signed by HUD.

(4) *Rehabilitation or New Construction.* If you propose to use HOPWA funds for rehabilitation or new construction activities, you must begin the rehabilitation or construction within 18 months and complete that work within 3 years from the date your selection letter was signed by HUD.

(5) *Program Operations.* For projects conducting rehabilitation or new construction activities, program operations must begin within 36 months of the date your selection letter was signed by HUD. Program operations begin when clients begin receiving housing or supportive services.

(6) *Six-Month Report.* You must provide an initial report to the Field Office and Headquarters on the startup of the planned activities within six months of your selection. Outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance.

(C) *Program Guidance.*

(1) *Program Operating Year.* Grants awarded through this NOFA must designate the 12-month operating year, which indicates the start and end dates of the term of the grant, at the signing of the grant agreement. The operating year may begin within four months of the signing of the grant agreement or as specified by HUD at the time of award. The operating period begins the day when participants begin to receive housing or supportive services, or for capital development activities at site control or the start of rehabilitation or new construction activities. The operating period is a 12-month period for which grantees report annual accomplishments. Grantees are required to submit annual progress reports to HUD within 90 days following the end of each operating year.

(2) *Incorporation of Mainstream Resources.* To the extent possible, HUD encourages projects to incorporate mainstream resources into their project plans to maximize the benefit of requested HOPWA funds. Mainstream resources may include private, other public, and mainstream services and housing programs that provide benefits to eligible clients. Applicants are encouraged to create community wide strategies to coordinate assistance to eligible clients through these mainstream programs. These mainstream programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program. Under each part of this program NOFA, as an applicant, you may be asked to address how your project is incorporating mainstream programs to benefit clients.

VIII. Other Requirements

(A) *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. In accordance with Section 856(h) of the AIDS Housing Opportunities Act, environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, States, Indian tribes and Alaska Native villages) in accordance with 24 CFR Part 58. Applicants or grantees that are not States or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision supersedes the environmental provisions in the HOPWA regulation at 24 CFR 574.510. HOPWA grantees and project sponsors may not commit or expend any grant or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35 (b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of HOPWA or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment (Section 3 Requirements).* For grants in excess of $200,000, to the extent that grant funds are used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. Section 3 requires that economic opportunities shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

IX. Authority

This program is authorized under the AIDS Housing Opportunity Act (42 U.S.C. 12901). The regulations for HOPWA are found at 24 CFR part 574.

PART B. RENEWAL PROJECTS

HUD will consider applications under this part that are renewals of expiring HOPWA competitive grants whose primary purpose is the provision of permanent supportive housing.

I. General Policies on Renewal of Permanent Supportive Housing Grant—Purpose

Under the provisions of the HUD Appropriation Act for FY2002, the Secretary is required to renew qualifying expiring contracts for permanent supportive housing on a priority basis. Grants funded under prior HOPWA competitions that meet the below eligibility requirements and meet all program requirements will be given priority renewal by HUD. Applications will be reviewed on a pass/fail threshold review system and are not required to address the departmental policy priorities described in the General Section of the

SuperNOFA. If you have an expiring grant, which is not for permanent supportive housing, you may apply for funding under Part D of this NOFA.

II. Eligibility of Applicants and Grants

To be eligible for priority renewal under this part, you must meet all of the following eligibility requirements:

(A) *Eligible Permanent Supportive Housing Grants.* To be eligible, your project must provide permanent supportive housing to eligible persons. Permanent supportive housing is housing in which the eligible person has a continuous legal right to remain in the unit and which provides the eligible person on-going supportive services through qualified providers. HUD has deemed grants in which 51 percent or more of HOPWA program activity funds are used (1) to provide permanent housing where on-going supportive services are made available through other resources; or (2) to provide supportive services where permanent housing is provided through other resources, to be grants providing permanent supportive housing, and thereby eligible. To establish eligibility, provide documentation of the following:

(1) *Certification of the Provision of Permanent Housing.* You must certify that at least 51% of the HOPWA program activity funds awarded to your grant were and are being used to provide permanent supportive housing to eligible persons. To determine whether your grant meets this test, use the Permanent Supportive Housing Worksheet found in Appendix D and submit it with your certification. The test is based on the HOPWA funded program activity costs approved in the original application or, as amended by HUD, excluding administrative costs and project outcome funding. To be counted, the grant funds must be used to provide the housing or to provide supportive services to eligible persons living in permanent housing.

(2) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, as follows:

(a) *Permanent Housing.* Permanent housing provided through other resources must be documented in the renewal application through a leveraging letter. The leveraging letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing. See Part D, Section V, Rating Factor 4: Leveraging Resources, for acceptable leveraging letter examples.

(b) *Supportive Services.* Supportive services provided through other resources must be documented through a commitment letter(s), which outline(s) the type of support that will be provided to clients, the organizations providing such support, and the length of time such supportive will be available. Supportive services must be available to clients in permanent housing throughout the term of the renewal grant.

(3) *Evidence of Permanent Client Occupancy.* Except for funds used for short term mortgage, rent and utility payments, you must evidence that the client has a continuous legal right to remain in the unit or property and has access to on-going supportive services provided through qualified providers. You must include in your application a copy of the standard lease form used for residents of the project. It must be for a term of at least one year, be renewable by the tenant and may only be terminable by the landlord for cause.

(B) *Eligible Expiring Grant.* To be eligible, the HOPWA grant must be an expiring grant, defined as a grant that will not have sufficient funds to continue activities until September 30, 2003, if not awarded additional Federal funds. The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended before September 30, 2003 (as measured by reimbursements filed with HUD under the financial system, PAS). HUD may deobligate funding of HOPWA grants that have been renewed on this basis and fail to expend funding by September 30, 2003.

(C) *Eligible Prior Grants.* To be eligible, prior grants must have been selected by HUD for funding under HUD's SuperNOFA process in 1998, 1999, or 2000 and must not have been renewed through a previous competition. Grants selected in 1997 were required to operate and complete activities before the end of fiscal year 2001. Grants funded in 1997 are not eligible for renewal, unless the grantee documents that HUD approved a grant extension of the project that would allow for its continued operations in the Federal Fiscal Year 2002 or 2003.

(D) *Eligibility based on Achieving Measurable Progress.* To be eligible, prior grants must have operated with measurable progress, defined as not evidencing weak performance. Weak performance consists of sanctions or unresolved monitoring findings during the active competitive period, from the date of publication of this NOFA until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at by the application due date under this NOFA for renewals, or significant citizen complaints are unresolved or not responded to with justified reasons. Weak performance is also evident if more than 50 percent of grant funds remain unexpended on the first day of the month in which the application due date for renewals under this NOFA falls (as measured by reimbursements filed with HUD's financial system, PAS).

(E) *Eligible Applicant for Renewals.* You are eligible to apply for renewal of a prior HOPWA grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply. HUD will reject applications submitted by ineligible applicants. If you have questions about your eligibility to apply, contact the local HUD field office.

(F) *Eligible Project Sponsors.* The project should also continue with the same project sponsors, as documented in the prior HOPWA application funded by HUD. HUD will consider the merits for changing a project sponsor if the new sponsor evidences the capacity to enhance project operations or improve responsiveness to clients. Such examples for changing a project sponsor may be that a new project sponsor has greater capacity to conduct program activities, a prior project sponsor is no longer in operation or has merged with another entity, or HUD approved such a sponsor change through a grant amendment.

(G) *Ineligible Grants and Projects.* You are ineligible if any of the following apply:

(1) *Expired Grants.* Your grant expired in the Federal Fiscal Year 2001 or earlier, i.e. all funds were expended (as measured by PAS) by September 30, 2001, or only a residual amount that is less than one percent of the amount of the prior grant remains, are not eligible to apply for renewal funding under this notice.

(2) *Prior Grants.* Your grant was awarded under the 1992–1996 HOPWA

competitions. These grants were required to complete activities within three years of the grant agreement.

(3) *Non-Permanent Supportive Housing Projects.* Projects primarily offering short-term, transitional, or emergency housing options are not eligible. Applicants with existing HOPWA projects that do not qualify for priority renewal under this part, may apply for continuing funding under Part D: Continuing and New Projects section of this program NOFA.

III. Renewable Activities and Amount of Renewals

(A) Eligible grants will receive renewal funding on approved eligible activities, as follows:

(A) *Eligible Renewal Activities.* The activities to be renewed must be on-going forms of support, such as rental assistance, short-term rent, mortgage and utility payments, operating costs for housing facilities, leasing, supportive service costs, housing information services, resource identification/technical assistance for community residences activities and administrative costs. Additionally, applicants must request up to $50,000 in project outcome funding as a part of their renewal budget request.

(B) *Ineligible Renewal Activities.* Funds for acquisition, new construction or for rehabilitation costs will not be renewed. These capital development activities are not on-going or available for additional sites. If you wish to undertake additional capital development activities or to add funding for new activities, such as operating costs and services, you must apply under Part D.

(C) *Amount of Renewals.* Renewal projects may only request renewal funds for continuing a previously approved project at the same level of housing and/or services provided in the previous grant. Proposals to expand or significantly alter a funded-project must apply under Part D for the new activities or the expanded part of the project.

(D) *Project and Activity Funding.* Renewal funding must not exceed 120% of the amount originally awarded for an activity, but may be less than the amount originally awarded, including any amendments affecting this amount that were approved by HUD prior to the publication of this NOFA. However, the total activity costs may not exceed $1,200,000. The limits on administrative costs, three percent for grantees and seven percent for project sponsors, continue to apply. In addition, renewal grantees must add up to $50,000 to the renewal award for the purpose of the collection of data on program outcomes.

(E) *Annual Amounts.* As an applicant for renewal funding, you must specify the annual amount needed to continue each activity and specify the number of years, up to three, for your request by completing the HOPWA Renewal Budget Form (Appendix A). You should describe your plan for continued operations in the Executive Summary section of your application, including any significant reduction to your prior award level.

IV. Selection Criteria and Process

(A) *Selection Process.* To the degree that funds are available, the Department will select for funding all renewal requests from applicants that meet program requirements and pass a threshold review for a need for renewal. In the case that the amount requested for renewal is less than the amount available under this notice, HUD will apply the remaining funds, first, to applicants under Part C and then, second, Part D. If the amount of the request for renewal activities is greater than the amount made available by this notice, HUD will select all of the approvable applications and allocate awards to each based on a prorata reduction to the amount available under this notice to ensure that all eligible and performing renewal projects receive funding that allows their continued operation.

(B) *Selection Criteria.* HUD will conduct a threshold review of all renewal applications based on the following criteria:

(1) *Eligibility.* HUD will review your eligibility to apply for renewal funding under this program as described above under Part B, Section II, *Eligibility of Applicants and Grants.*

(2) *Organizational Capacity.* If a new project sponsor is added, HUD will review the project sponsor's capacity to conduct program activities.

(3) *Provision of Permanent Supportive Housing.* HUD will review whether your project provides permanent supportive housing.

(4) *Need for Renewal.* HUD will review your need for renewal, and how this project has operated with measurable progress, as described below in the *Need for Renewal Narrative.*

(5) *Standard Eligibility Threshold Requirements.* HUD will also review your application to ensure that your project meets the standard eligibility threshold requirements as described in Part A, Section III.(A), above.

(C) *Application Contents.* Applicants are requested to submit the following information:

(1) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(a) Item 5—Add e-mail address of the contact person;

(b) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(c) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(d) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(e) Item 15—You must complete the budget on HUD–424M and the HOPWA Renewal Project Budget Form. Please make sure that both the Total Amount on HUD–424M and the ''Total Budget'' section on the HOPWA Renewal Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(f) Item 16—Check ''No''.

(2) *Executive Summary and Synopsis.* On no more than five (5) double spaced pages, please provide an Executive Summary of the renewal project, beginning with a two to three sentence synopsis of the focus of your project. In the Executive Summary, please provide the name of the grantee and any project sponsors.

(3) *Narrative Statements.* Your application must include the following narrative statements:

(a) *Organizational Capacity Narrative.* If a new project sponsor(s) is added to the proposal, please describe the capacity of the project sponsor(s) to conduct program activities. Please provide this information on no more than two double-spaced typed pages. If you are adding more than one project sponsor, you may add two (2) additional pages per project sponsor. Address the extent to which the project sponsor(s) have the organizational resources necessary to successfully implement your proposed activities in a timely manner. HUD will review the project sponsor's ability to develop and operate your proposed program. With regard to new project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress

in achieving the purpose for which funds were provided.

(b) In reviewing the elements of organizational capacity under paragraph (a), immediately above, HUD will consider the extent to which your proposal demonstrates:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. The project sponsor will be reviewed in terms of recent, relevant and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving persons with HIV/AIDS and their families.

(ii) The project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If the project sponsor received funding in previous years in the program area for which you are currently seeking funding, the sponsor's past experience will be reviewed in terms of the ability to attain demonstrated measurable progress in the implementation of the grant award. Measurable progress is defined as:

(1) Meeting performance benchmarks, as applicable, in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(3) Submitting timely performance reports; and

(4) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

(c) *Provision of Permanent Supportive Housing Narrative.* On no more than three (3) double-spaced pages, demonstrate how your project provides permanent supportive housing through HOPWA and other resources. Include the type of assistance and number of housing units being provided and a description of the supportive services provided. Additionally, your description should outline how HOPWA and other funding, if applicable, work together to provide permanent supportive housing. In addition, you must provide the following:

(i) *Certification of the Provision of Permanent Housing.* A certification, in the form provided in Appendix A, that at least 51% of the HOPWA funds awarded the Project were and will continue to be used to provide permanent supportive housing to eligible persons. To determine whether you can make this certification, complete the ''Permanent Supportive Housing Worksheet'' provided in Appendix A.

(ii) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the housing or supportive services, you must document that such assistance will be provided throughout the term of the renewal grant. For information on acceptable forms of evidence, see Part B, Section II (A)(2).

(iii) *Evidence of Permanent Housing.* Except for funds used for short term mortgage, rent and utility payments, you must provide a copy of the standard lease used for residents of the project. The lease must be for a term of at least one year, be renewable by the tenant and may be terminated by the landlord for cause.

(d) *Need for Renewal Narrative.* Please address the following on no more than three (3) double-spaced pages:

(i) *Measurable Progress.* Please demonstrate the need for renewal funding and how this project has operated with measurable progress. Measurable progress is defined as not failing or not evidencing weak performance in:

(*1*) Meeting performance benchmarks, as appropriate, in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application;

(*3*) Submitting timely performance reports;

(*4*) Expending over 50% of prior funding at the beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system, PAS.).

(ii) *Need for Renewal Chart.* Additionally, you should complete the HOPWA Need for Renewal Chart, which demonstrates that prior grant funds will expire by September 30, 2003. You must complete the HOPWA Need for Renewal Chart (Appendix A), as described below:

Line 1.—Indicate the amount of the prior HOPWA award:_____

Line 2.—Indicate the amount expended as of 9–30–01:_____

Line 3.—Subtotal: subtract line 2 from line 1:_____

Line 4.—Indicate the amount to be expended in FY2002:_____ (By September 30, 2002)

Line 5.—Indicate the amount to be expended in FY2003:_____ (By September 30, 2003)

Line 6.—Subtotal: subtract lines 4 and 5 from line 3:_____

Notes: If the subtotal on Line 6 is greater than zero, you are not eligible to apply for renewal funding under this notice. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office. Further, if the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice. In reviewing the information that you provide in this chart, HUD will determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

(4) *HOPWA Renewal Budget.* Please complete the HOPWA Renewal Budget Form (Appendix A). See Part B, Section III, *Renewable Activities and Amount of Renewals,* for details on renewal funding.

(5) *HOPWA Renewal Project Form (Appendix A).* Complete the form including the following:

(a) *Project Sponsor.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(b) *Non-profit Status.* If not previously submitted to HUD through the prior HOPWA application or if a change occurred in non-profit status, non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Part A, Section VII (A).

(c) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(6) *Statutory Certifications.* The renewal application should include the required certifications as described under Part A, Section VI, *Statutory Certifications.*

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Renewal Application Checklist found in Appendix A to this program section of the SuperNOFA. Attach the HOPWA Renewal Application Checklist to the front of your application.

V. Additional Renewal Information

As an applicant of renewal funding, you are encouraged to read Part A: General Program Requirements at the beginning of this program NOFA. This section outlines submission details,

technical assistance, and statutory requirements for using HOPWA funds.

PART C: PROJECT OUTCOMES ADD-ON FUNDING

I. Purpose

Funds for data collection on project outcomes are made available in this part of the NOFA to enable all HOPWA competitive grantees to enhance efforts in gathering information on client and project accomplishments. The information to be collected is related to the special design features, service delivery models, or objectives of these grants that were selected by national competition, as Special Projects of National Significance or projects that serve clients in areas that are not eligible for HOPWA formula allocations. The use of these additional funds will allow your agency to enhance the design of outcome measures, the collection of this data, the evaluation and reporting on this information. In assisting HUD to better disseminate the results from your efforts, the project outcome reports and findings are expected to be of benefit to other communities in considering improvements in their area efforts that provide housing assistance to eligible persons. HUD has made funding for data collection on project outcomes a feature of the national HOPWA competitions in 1998–2001, although not all applicants requested such funding. To assist all recipients to enhance their evaluation efforts, this funding is again being made available to the prior grantees that did not receive funds under this budget line item in their approved application. A threshold review will be undertaken to select applications from current HOPWA competitive grants that propose responsive evaluation and dissemination activities. HUD will award up to $50,000 per application.

II. Eligible Applicants

Eligible applicants are grantees that were awarded HOPWA funds under the FY1999 or FY2000 HOPWA competitive program and were not originally granted project outcome funding. Since the eligible applicants are limited to current recipients of HOPWA competitive funding, HUD will not require applicants to duplicate their original application as to the eligibility of the applicant, client, or activities. HUD is satisfied that the review that was undertaken for these entities in the FY1999 and FY2000 HOPWA competition, for which these entities were determined eligible, is sufficient for the award of these additional funds. Applicants will be required to submit an abbreviated application.

III. Threshold Review

The Department will conduct a threshold review of all HOPWA grantees requesting project outcome add-on funding. Applicants failing to meet the threshold review requirements will not be awarded project outcome add-on funding. The basic threshold review will consist of the following criteria:

(A) *Eligibility.* HUD will review your eligibility to apply for the project outcome add-on funding under this section, as described above under *Eligibility.*

(B) *Monitoring Review.* HUD will review your current HOPWA grant to ensure the project is meeting applicable benchmark requirements and making measurable progress, defined as not evidencing weak performance. HUD will consider that weak performance is evidenced if there are sanctions or unresolved monitoring findings during the active competitive period, from the date of this notice until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at the time of the due date for applications, or significant citizen complaints are unresolved or not responded to with justified reasons. Grants in default of grant agreement or with unresolved management issues will not be awarded project outcome add-on funding.

(C) *Project Outcome Plan.* You may request up to $50,000 to collect information and report to HUD, or a third party designated by HUD, on project outcomes. HUD will review your plan to ensure the requested funding will be used to conduct eligible activities. The requested funding may be used for the following activities:

(1) Defining monitoring questions that will be addressed and examined during the project period;

(2) Specifying outcome measures;

(3) Development instruments to assess project outcomes and systems outcomes;

(4) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(5) Monitoring data collection activities to assure the submissions are complete and accurate, including data coding and entry;

(6) Summarizing data collected;

(7) Participate in HUD-sponsored collaboration and HUD-designated training events in order to prepare and disseminate the finding of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome/evaluation activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

IV. Application Submission

To apply for add-on funding you must submit the following:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted

(4) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD–424M.

(6) Item 16—Check ''No''.

(B) Project Narrative. A written description approximately one to two pages on:

(1) The current status of your grant including how the project has met NOFA benchmark requirements, in compliance with the statute and regulations, and is making measurable progress. See Part C, Section III(B): Monitoring Review.

(2) Your plan for utilizing project outcome/evaluation funding. Include a request to receive an amount up to $50,000 and describe your plan to use the additional funds through the remaining term of your grant. See Part C, Section III: Project Outcome Plan.

V. Award Modifications

HUD reserves the right to modify the requested amount of project outcome funding based on a grantees expenditure rate as measured through PAS. HUD may prorate requested funding to match the percentage of remaining funds on any current HOPWA grant.

PART D: CONTINUING AND NEW PROJECTS

I. Program Purpose

Funds under this program are to be used to support the Department's national goal of increasing the availability of decent, safe, and affordable housing in American

communities. The statutory purpose of the HOPWA program is meeting the housing needs of low-income persons with HIV/AIDS and their families. Projects selected for HOPWA awards will be funded to provide housing and related supportive services for eligible persons under two categories of assistance:

(A) Grants for Special Projects of National Significance (SPNS) that, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the housing and related supportive service needs of low-income persons living with HIV/AIDS and their families; and

(B) Grants for projects that are part of Long-Term Comprehensive Strategies (Long-Term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA FY 2002 formula allocations found in Appendix C of this program section of this SuperNOFA.

II. Eligible Applicants and Activities

(A) *Eligible Applicants and Project Sponsors.*

(1) States, units of general local government, and nonprofit organizations may apply for SPNS grants.;

(2) States and units of general local government may apply for grants for projects under the Long-Term category of grants, if proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in Fiscal Year 2002. Nonprofit organizations are not eligible to apply directly for the Long-Term grants but may serve as a project sponsor for an eligible State or local government grantee.

(3) You must identify your project sponsors in your application. Project Sponsors cannot be identified at a later date through such processes as an RFP or other selection process.

(B) *Eligible Activities.*

(1) *HOPWA Activities.* Eligible activities with their standards and limitations may be found in the HOPWA regulations at 24 CFR Part 574. A copy of the regulations may be downloaded from the HUD Web site at *http://www.hud.gov* or may be obtained through the application kit. You are encouraged to review the HOPWA regulations before seeking funding.

(2) *Additional Guidance on Use of Program Funds.*

(a) *Housing Assistance.* To receive the maximum points under the rating criteria, your project must clearly address the housing need of eligible persons. If you are proposing emergency or transitional housing assistance, your plan should include linkages to or the provision of permanent supportive housing.

(b) *Supportive Services.* Many of the clients who will be served by HOPWA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other Federal, state, local or private funds. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, HUD encourages you to develop housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements. Further, to help ensure that selected projects address housing related purposes, no more than 35 percent of the proposed budget for program activities can be designated for supportive services costs. If HOPWA funds will be utilized to operate or develop a supportive service only facility through acquisition, rehabilitation, new construction, lease, or operating costs, these costs will be considered related supportive service costs and will be subject to the 35 percent cap on program activity costs.

(c) *Resource identification.* HUD will not select under this notice an application that is solely directed at providing resource identification activities, since national HOPWA technical assistance funds are being made available under the Community Development Technical Assistance (CDTA) part of this NOFA for this purpose. You may propose a resource identification or technical assistance component in your application, if the amount of funds designated for these activities are less than 20 percent of the proposed program activity costs.

(d) *Other Activities.* As authorized by the statute, you may propose other activities in your application, if approved by HUD. HUD will not approve proposals that depend on future decisions on how funds are to be used, for example, a proposal to establish a local request-for-proposal process to select activities or project sponsors.

(e) *Project Outcome Funding.* You must request funding to conduct data collection on project outcomes. The budget provides that up to $50,000 may be added to collect information and report to HUD on the outcomes of your service delivery model. You must propose data collection activities in your application. Project outcome activities include:

(i) Defining monitoring questions that will be addressed and examined during the project period;

(ii) Specifying outcome measures;

(iii) Developing instruments to assess project outcomes and systems outcomes;

(iv) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(v) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(vi) Summarizing data collected; and

(vii) Participate in HUD-sponsored collaborations and HUD-designated training events in order to prepare and disseminate the findings of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

(3) *Maximum Grant Amounts.* The maximum amount that you may receive is $1,200,000 for program activities (*e.g.,* activities that directly benefit eligible clients), irrespective of the number of applications that you submit. You may also add-on up to 3 percent of this program activities amount for grantee administrative costs and, if your program involves project sponsors, add-on up to 7 percent of the amount they receive for their administrative costs. In addition, you must add up to $50,000 for project outcome activities.

III. Policy Priorities

(A) *Departmental Policy Priorities.* As outlined in Section VI of the General Section of the SuperNOFA, HUD has identified policy priorities that applicants are encouraged to address through the proposed plans. HUD has identified two Departmental policy priorities as being applicable to the HOPWA program. Applications for HOPWA funding will receive a rating point for each applicable Departmental policy priority initiative addressed through the proposed program activities and performance goals and objectives. Applicants must demonstrate how these priorities will be addressed through the Soundness of Approach Section of the application as outlined under Rating Factor 3. One Rating Point will be awarded to each of the following addressed priorities:

(1) In accordance with Section VI(C) of the **General Section** of the SuperNOFA, for applicants seeking HOPWA funds for capital development activities, including rehabilitation or new construction, you are encouraged to:

(a) Institute visitablity standards in these activities undertaken with HOPWA funds. Vistiablity standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible.

(b) Incorporate universal design in the construction or rehabilitation of housing undertaken with HOPWA funds. Universal design provides housing that is usable by all without the need for adaptation or specialized design.

(2) For applications in which the grantee, project sponsor(s), or other collaborating organizations meets the definition of a faith-based and other community-based, or grassroots organization as defined in Section VI(E) of the **General Section** of the SuperNOFA.

(B) *Program Policies—Target Populations.* The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing housing, health-care, and HIV/AIDS treatment among underserved populations, as well as health-related disparities that result from limited access to health-care, treatment and other support for persons living with HIV/AIDS. Applications seeking to provide housing assistance and related supportive services to one or more of the following underserved populations will receive priority consideration in the selection of grants. To receive this consideration, you must demonstrate the need of the special population in your area under the Need /Extent of the Problem section of your application as outlined under Rating Factor 2, as well as, demonstrate your response to this need under the Soundness of Approach section of your application as outlined under Rating Factor 3.

HUD reserves the right to select the highest rated application (but not one that is rated at less than 70 points) that demonstrates that the planned HOPWA activities and activities supported by leveraged funds, will serve one of the following special populations of HOPWA eligible persons. If funds are insufficient to select one of each of these four special demonstration grants, HUD's selection priority will be in the order listed:

(1) *Persons with HIV/AIDS and their families who are living in the Colonias.* Primarily the southwest border of the United States, the Colonias are home to persons living an extreme poverty and poor housing conditions. With the limited access to HIV/AIDS housing, services, healthcare, and treatment, persons living with HIV in the Colonias do not receive the necessary care and treatment. HUD is encouraging applications that strive to meet the needs of eligible clients living in the Colonias.—Applicants seeking funding as a Colonias must meet the definition of a Colonias as defined in the General Section of the SuperNOFA.

(2) *Youth.* Stable housing is one of the most important parts of the safety net for persons living with HIV and AIDS and their families. Youth who are homeless or who run away from home are at greater risk of HIV infection. Youth who are infected with HIV are more likely to be able to follow complex treatment regimens if they have a reliable address where they can be reached by care providers, a safe place to keep medications, refrigeration for drugs that require it, and other necessities that many of us take for granted. Some 20,000 young people are still becoming infected every year, and most of them are not receiving the medical care they need. HUD is encouraging applications that strive to meet the needs of youth impacted by HIV/AIDS.

(3) *Rural Populations.* A growing number of new HIV and AIDS cases are known to be occurring in the rural and smaller population areas of the country. In many areas, the limited availability of affordable and quality housing, the lack of specialized service providers, excessive travel distances to access HIV care and treatment and/or the lack of HIV treatment options, provide difficult challenges in providing for comprehensive housing and service programs for persons living with HIV/AIDS. HUD is encouraging applications that strive to meet the special need of rural populations through the provision of housing and related supportive services geared to ensure that clients have improved access to necessary treatment. A model service delivery project under this demonstration effort must be located in and serve clients in areas that are outside of the metropolitan statistical areas that have populations of more than 500,000 persons.

(4) *Post-Incarcerated.* The U.S. Department of Justice (DOJ) estimates that 2.1% of all state and federal prison inmates are persons who are living with HIV, a rate that is higher than the rest of the population. Due to their criminal history, many post-incarcerated persons have difficulty in reentering the community, especially in finding basic housing as well as employment, health care and other necessities when dealing with HIV-infection. Discharge planning actions can coordinate resources to help post-incarcerated persons successfully reintegrate into the community as productive, law abiding citizens. HUD, in partnership with DOJ, the U.S. Departments of Health and Human Services and Education, and other federal agencies, is encouraging the development of projects in which applicants would provide post-incarcerated persons with linkages to permanent housing and services to reduce recidivism, maintain access to healthcare and HIV/AIDS treatment, and access to education, job training and placement opportunities.

IV. Program Requirements

(A) *Performance Measures and Project Goals and Objectives.* You must use HUD's required performance measures, as detailed below, that will show your accomplishments in using HOPWA funds to expand the housing options that benefit eligible persons. You must also establish individual goals and objectives for your proposal. They should be specific, achievable and measured within set time periods. Your individual goals and objectives should result in possible findings on the successes and lessons learned in undertaking your activities that would be shared with other communities. In designing your proposal, please use the following:

(1) *Required HOPWA national performance goal.* Your proposed activities must increase the amount of housing assistance and related supportive services to eligible persons to enable them to achieve housing stability and access to health-care and related supportive services.

(2) *Measurements of Performance.* After each year of operation, you must report on the number of housing units that were provided with HOPWA and other funding, and number of additional persons served with related supportive services. HUD will measure your progress and achievements in evaluating your performance on your HOPWA grant.

(B) *Descriptive Budget.* You must provide a description of each of your requested budget items and how the funds will be used, including each amount of requested funding for you and your project sponsors, and a description of how each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B). You are expected to match requested funds to

specific goals and objectives in your project. See Appendix D.

V. Application Selection Process

(A) *HOPWA Application Threshold Reviews.* HUD will review your HOPWA application to ensure that:

(1) Your application meets the threshold requirements found in Section II of the **General Section** of the SuperNOFA.

(2) Your application contains all required certifications as outlined in Part A, Section VI: *Statutory Certifications.*

(B) *Procedures for the Rating of Applications.* HUD will rate all HOPWA applications based on the factors listed below.

The points awarded for the factors total 100. In addition, bonus points for projects in RC/EZ/EC areas and by the City of Dallas may be available under Section III(C) of the **General Section** of this SuperNOFA apply to this competition. After rating, all applications will be placed in the rank order of their final score for selection within the appropriate category of assistance.

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points)

Address the following factor on not more than five (5) double-spaced, typed pages. For each project sponsor, you may add two additional pages. This factor addresses the extent to which you and any project sponsor have the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed program in relation to which entity is carrying out an activity.

(a) With regard to both you and any project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

(b) In reviewing the elements of paragraph (1), HUD will consider:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant and successful experience of staff in undertaking eligible program activities;

(ii) Your and/or the project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If you and/or the project sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your project sponsor's past experience will be evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your grant awards. Measurable progress is defined as:

(*1*) Meeting applicable performance benchmarks in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(*3*) Submitting timely performance reports; and

(*4*) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

Rating Factor 2: Need/Extent of the Problem (20 Points)

Address this factor on not more than five (5) double-spaced, typed pages. Up to 20 points will be awarded for this factor.

(a) *AIDS Cases*—(**5 Points**). Up to five of these points will be determined by the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a State outside of these metropolitan areas, in the State for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities. Your application must define a planned service area. To determine these points, HUD will obtain AIDS surveillance information from the Director of the Centers for Disease Control and Prevention.

(b) *Description of Unmet Need*—(**5 Points**). Up to five of these points will be awarded based on demonstration of need for funding eligible activities in the area to be served. To receive the maximum points, demonstrate that substantial housing and related service needs of eligible persons and/or the target population, as outlined in Part D, Section III (B), are not being met in the area and that reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation) show this unmet need. To receive the maximum points, show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable to your project and identify the level of the problem and the urgency of the need.

(i) If you apply for a SPNS grant, you must describe a need that is not currently addressed by other projects or programs in the area. Also describe any unresolved or emerging issues and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families; or

(ii) If you apply for a project that is part of a Long-Term Comprehensive Strategy in an area that does not receive a HOPWA formula allocation, you must describe the need that is not currently addressed by other projects or programs in the area. You must also describe any unresolved or emerging issues and/or the need to provide forms of assistance that enhance the community's strategy for providing housing and related services to eligible persons.

(iii) HUD will evaluate your presentation of statistics and data sources based on soundness, reliability and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (e.g., persons with multiple disabilities including AIDS), your application must document the need for this targeted effort through statistics and data sources that support the need of this population in your service area.

(c) *Need in Non-Formula Areas and Need for Renewals*—(**5 Points**).

Within the points available under this criterion, HUD will award points under the following two circumstances:

(i) Five points will be awarded, if your SPNS application proposes to serve clients in an area that does not

qualify for HOPWA formula allocation; or

(ii) Up to five points will be awarded, if you propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in years immediately prior to this application and that have operated with measurable success. To receive the maximum points, you must describe what unmet need would result if funding for the project was not renewed from this Federal funding and describe your efforts to secure other sources of funding to continue this project. You must also show that you operated with measurable progress and your previous HOPWA-funded activities have been carried out and are nearing completion of the planned activities in a timely manner. Measurable progress is defined as:

(*1*) Meeting performance benchmarks, as appropriate, in program development and operation;

(*2*) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of application;

(*3*) Submitting timely performance reports; and

(*4*) Expending 50% of prior funding by the application due date of this program section of the SuperNOFA.

(d) *Highest Rated in a State or the Nation (for nationwide activities)*—(**5 Points**). After rating of all other factors, HUD will award five of the points to help achieve greater geographic diversity in funding activities within a variety of States. Under this criterion, five points will be awarded to the highest rated SPNS and Long-term applications in each State and to the highest rated SPNS application among the applications that propose nationwide activities.

Rating Factor 3: Soundness of Approach: Responsiveness and Model Qualities (40 Points)

Address the factor on not more than fifteen (15) double-spaced, typed pages. Include the HOPWA Budget Forms found in Appendix D. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 40 points based on the extent to which your plan evidences a sound approach in its responsiveness to eligible persons and how it offers model qualities in providing supportive housing opportunities for eligible persons, when compared to other applications and projects funded under previous HOPWA competitions.

(a) *Responsiveness*—(**20 Points**). HUD will award up to 20 points based on how well your project plan responds to the unmet needs of the eligible population, including target populations outlined under Part D, Section III, and establishes specific goals and objectives for providing housing and related supportive services eligible persons. To receive the highest ratings in this element, describe:

(i) *Your project's goals and objectives.* Demonstrate how you will measure how the project is performing under the required HOPWA performance measures. Review Part D, Section IV (A), *Performance Measures and Project Goals and Objectives* of this NOFA. To receive the highest rating your goals and objectives must address:

(*1*) The projected numbers of persons to be served through each activity for each year of your program;

(*2*) The projected number of housing units by type to be provided through your project by year over a 3-year period, and;

(*3*) The specific organizations that will provide housing, supportive services, or other activities either through an agreement with your organization or through funding from your project.

(ii) *Your plans for accomplishing these goals and objectives.* Demonstrate your methodologies for achieving these goals and objectives by describing the project plan. Include a description of the coordination, roles, and responsibilities of your project sponsors and/or other organizations within your project plan to conduct eligible activities. Your plan must describe the eligible activities you intend to conduct and how those activities will benefit eligible clients. To receive the maximum points your project plan you must explain and include the eligible activities that you or your project sponsor will conduct in meeting the housing needs of eligible persons. A description may include such activities as:

(*1*) *Housing Activities.* You must demonstrate how the housing needs of clients will be addressed through one or more of the HOPWA eligible activities or through other resources and how such activities coordinate with other housing assistance. Your plan for housing assistance must include:

(*a*) *Linkages to or the provision of permanent supportive housing.* You must describe how clients will access permanent housing options through your project or through linkages with other community providers, even if the focus of your project is emergency or transitional assistance.

(*b*) *Description of housing sites.* You must describe any appropriate site features, including accessibility, visitability, and access to other community amenities associated with your project.

(*c*) *A development and operations plan.* You must describe a development and/or operations plan for the housing assistance you are proposing to provide. For rental assistance programs, this will include your plan for providing rental assistance, proposed housing sites, and length of stay. If you are proposing to use HOPWA funds for acquisition, rehabilitation, or new construction activities your plan must also document that you have secured funding sources (if applicable), identified a site(s), and must provide rehabilitation/construction timelines.

(*2*) *Supportive Service Activities.* You must describe how the supportive service needs of clients will be addressed from HOPWA or other sources by describing the type of supportive services that will be offered directly by the program and/or how services will be accessed and coordinated from other sources. Explain the connection of these services in helping clients obtain and/or maintain housing. You are reminded that supportive service costs may represent no more than 35 percent of your program activity costs. In describing your supportive services delivery plan, explain:

(*a*) How clients will have access to mainstream programs that offer healthcare and other supportive services, as discussed in Part A, Section VI (C);

(*b*) How clients will participate in decision making in the project operation and management;

(*c*) Your plan for delivering supportive services through a comprehensive plan. If you plan on using HOPWA funds to acquire, rehabilitate, lease, or operate a supportive service only facility, you must describe your development and operations plan for that facility. Include in the plan how such a facility relates to the program purpose of housing eligible clients and document that other funding has been secured, if applicable, a site has been identified, and provide rehabilitation/construction timelines.

(*3*) *Additional Activities.* You must describe your plan for utilizing other requested HOPWA funds (described at 24 CFR 574.300 (b)). Explain how these activities will be integrated to your overall plan in the provision of housing and related supportive services to eligible clients.

(*4*) *Other Activities.* As authorized by statute and in addition to the activities

at 24 CFR 574.300(b), you may propose other activities in your application.

(b) *Model Qualities*—(**20 Points**). HUD will award up to 20 points based on your service delivery plan and how well it addresses the ongoing housing and supportive service needs within a replicable operational framework. To receive the maximum points, you must offer a plan that describes the following:

(i) *Policy Priorities.* Describe how you will meet the Departmental policy priorities emphasized in Part D, Section III of this NOFA.

(ii) *Operational Procedures.* Describe your outreach, intake, and assessment procedures, as well as how clients will link to services and (if necessary) housing funded from other sources and how your project provides for consistent monitoring of all clients. Include a description of how a client moves through the program from intake, assessment, service delivery, and finally to termination or linkage to other services.

(iii) *Project Management and Oversight.* Describe your method for managing and overseeing your, your project sponsors'', and any other organizations activities. Identify staff members who are responsible for management and oversight of the project and activity implementation.

(iv) *Evaluation.* Evaluation is defined as your method for collecting data on HUD program measures and your project's goals and objectives. HUD will assess your method for reviewing this data and your basis for making relative adjustments based on outcomes and lessons learned. Your evaluation plan must include how you propose to utilize the project outcome funding, as described in Part D, Section II (B)(2)(v). HUD will award a greater number of points for programs which will serve as a national model and which provide for the dissemination of information from the lessons learned from your proposed activities.

(v) *Innovative Qualities.* If you propose a new program, or an alternative method of meeting the needs of your clients, describe the innovative qualities of your activities. HUD will rate your applications higher if you provide strong evidence that your methods will yield qualities that will benefit or expand knowledge in serving eligible persons, when compared to other applications and HOPWA projects funded in the past. In order to learn about innovative qualities of previously funded and on-going HOPWA projects, please review the HOPWA Executive Summaries for all HOPWA formula and competitive grantees at *http://www.hud.gov*.

(vi) *Descriptive Budget.* HUD will review your budget in describing:

(1) How each amount of requested funding for you and your project sponsors will be used;

(2) How each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B), of this program section of the SuperNOFA; and

(3) How specific line items match with the goals and objectives in your project. You must complete the HOPWA Project Budget Form as described in Part B, Section VI (E). Please note that only the forms are required and an additional narrative under the Model Qualities Section is not required.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources that can be combined with HUD's funds to achieve program purposes. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed at the time of application, to support your project. To receive the maximum points, you must evidence commitments of leveraged resources that match or exceed the amount of HOPWA funds that are requested, but not including funds designated for data collection.

(a) In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant. In evaluating this factor HUD will also consider:

(i) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the purposes of the project for which you are requesting HOPWA funds;

(ii) The extent to which the documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by your award.

(b) To receive highest leveraging points, you must document the cash value of leveraged resources pledged to your project(s). The commitment of resources will be evidenced by use the appropriate language as described below:

(i) *Applicant or Third Party Cash Resources.* If this proposal is funded, (applicant name or third party name) commits $(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date).

(ii) *Non-Cash Resources.* If this proposal is funded, (organization's name) commits to make available (type of resource) valued at $(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time.* If this proposal is funded, (name of the organization or of self), commits to provide (number of hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on $10.00 per hour, is $(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at $10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building.* If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a

leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. The HOPWA request for the building is $(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or $(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is $(amount) annually, and at constant value will amount to $(amount) over (term of the lease, up to three years). An appropriate independent third party made this appraisal, which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is $(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or $(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

Factor 5: Coordination, Self-Sufficiency and Sustainability (Maximum 10 Points)

Address the factor on not more than five (5) double-spaced, typed pages. Coordination involves efforts that are taken outside of your project to help clients become self-sufficient and that enable the project to become sustainable from other resources. HUD will award up to 10 points based on your proposal's coordination, self-sufficiency, and sustainability efforts.

(a) *Coordination.* You should demonstrate the extent to which you have coordinated your activities and the activities of your project sponsors with other organizations that are not directly participating in your proposed work activities. This involves organizations for which you share common goals and objectives. You will be rated on the extent to which you demonstrate you have:

(i) Coordinated your proposed activities with those of other groups or organizations within the community or region prior to submission, to best complement, support, and coordinate all housing and supportive service activities;

(ii) Developed your project through consultation with other organizations, groups, or consumers involved with area HIV/AIDS housing and service planning, including Ryan White Planning and other Federal planning. You should demonstrate that the project is linked or promotes participation in HUD's planning processes, such as the jurisdiction's Consolidated Planning process or the community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities);

(iii) Coordination with other HUD-funded programs outside of the Consolidated Planning Process, for example accessing additional housing resources through a local public housing authority;

(iv) Coordination with mainstream resources including private, other public, and mainstream services and housing programs. To achieve the maximum points, applicants must evidence explicit agency strategies to coordinate client assistance with mainstream health, social services and employment programs for which eligible clients may benefit.

(b) *Self-sufficiency.* Demonstrate the extent to which your application implements practical solutions within the grant term to assist clients in achieving independent living, economic empowerment, educational opportunities, housing choice, or improved living environments. This may be demonstrated through such efforts as ensuring access to permanent, safe, decent, and affordable housing for eligible clients, educational programs designed to return clients to work, or through independent living services for clients.

(c) *Sustainability.* Demonstrate the extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed. In order to ensure that resources are used to their maximum effect within the community, it is important that you demonstrate involvement in other state, local, and private funding arenas. In evaluating this factor HUD will consider the extent you have:

(i) Developed linkages, or specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes, or other mechanisms, to coordinate your activities so solutions are holistic and comprehensive with other state, local, or private entities;

(ii) Demonstrate how planned activities may be sustained through other resources in order to provide a comprehensive and responsive range of housing and related supportive services to meet the changing needs of persons with HIV/AIDS.

(C) *Selection of HOPWA Awards.* Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as outlined in Part D, Section III (B):

Policy Priorities, where HUD reserves the right to select applications that target the priority eligible populations. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. HUD will not select an application that is rated below 70 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach: Responsiveness and Model Qualities (Rating Factor 3); Comprehensiveness and Coordination (Rating Factor 5); the Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); the Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

HUD will notify you in writing if you are conditionally selected. You may be notified subsequently of any modification made by HUD, the additional project information necessary for grant award, and the date of deadline for submission of the required information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund

award within the specified time, HUD reserves the right not to award funds to the applicant, but use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this competition; or to add amounts to funds available for the next competition.

VI. Application Submission Requirements

Your HOPWA application must contain the following items in the order shown below. The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters) can be found as Appendix D to this program section of the SuperNOFA. The items are as follows:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(4) Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD–424M and the HOPWA Project Budget Form. Please make sure that both the Total Amount on HUD–424M and the ''Total Budget'' section on the HOPWA Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(6) Item 16—Check ''No''.

(B) *Executive Summary and Synopsis.* Please provide a two to three sentence synopsis of the main focus or features of your proposed program, followed by an Executive Summary of the proposed project on no more than two double-spaced, typed pages. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor.

(C) *Narrative Statements.* Your application must include narrative statements that address each of the Factors for Award found at Part D, Section V (B) of this program section of the SuperNOFA. Respond to each factor within the stated page limits and do not use a font size smaller than 12 point. Applications failing to submit any of the narrative statements will be rated as zero during the rating process.

(D) *Proposed HOPWA Project Information Form.* See Appendix D in program section of SuperNOFA. Complete the form including the following:

(1) *Project Sponsors.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(2) *Non-profit Status.* Non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined in Part A, Section VI (A).

(3) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(E) *Budget.* You must complete the HOPWA Project Budget Form found in Appendix D of this program section of the SuperNOFA, which lists the amount of requested HOPWA funds designated for each type of HOPWA-eligible activity. For more information, please see Part D, Section IV (B) and Rating Factor 3, *Soundness of Approach.*

(F) *Statutory Certifications.* You must complete the statutory certifications as outlined in Part A, Section VI section of this program NOFA.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Application Checklist found in Appendix D to this program section of the SuperNOFA. Attach the HOPWA Application Checklist to the front of your application.

BILLING CODE 4210–32–P

HOPWA Renewal Application Checklist

Checklist of Exhibits

Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Application for Federal Assistance (form SF-424) and (HUD-424M)
- ☐ Project Synopsis and Executive Summary
- ☐ Organizational Capacity Narrative (if applicable)
- ☐ Provision of Permanent Supportive Housing Narrative
- ☐ HOPWA Permanent Supportive Housing Certification
- ☐ HOPWA Permanent Supportive Housing Worksheet
- ☐ Need for Renewal Narrative
- ☐ HOPWA Need for Renewal Chart
- ☐ HOPWA Renewal Budget Form
- ☐ HOPWA Renewal Project Form
- ☐ Statutory Certifications (Required by law)
- ☐ Acknowledgement of Application Receipt (Optional) (HUD-2993)
- ☐ Client Comments and Suggestions (Optional) (HUD-2994)

HOPWA NOFA – Appendix A

HOPWA Permanent Supportive Housing Certification

The Applicant, in order to induce HUD to renew the Applicant's Grant with HUD for HOPWA Project Number _____, pursuant to HUD's authority under the FY 2002 Appropriations Act, hereby assures and certifies HUD that no less than 51 percent of the HOPWA funds awarded to the Project were and continue to be used to provide permanent supportive housing to low income persons with HIV/AIDS and their families. Permanent housing is defined as housing in which the resident has a lease for a term of at least one year, which is renewable by the tenant and which may be terminated by the landlord for cause. Permanent supportive housing is permanent housing, which provides the tenant with on-going supportive services through qualified providers.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code.

HOPWA Applicant Certifications

Name of Applicant

Signature of Authorized Certifying Official & Date

Typed Name of Signatory

Title of Signatory

Date

Permanent Supportive Housing Worksheet

Applicants seeking renewal under Part B of the HOPWA NOFA, must demonstrate that the HOPWA project supported by the prior HOPWA grant and continued through this renewal provides permanent supportive housing to eligible clients. Permanent supportive housing is defined in Part B, Section II of the HOPWA program NOFA. To meet this definition, you must document that at least 51 percent of the HOPWA program activity funds awarded to the grant you are seeking to renew provided direct permanent supportive housing assistance or provided supportive services to clients living in permanent housing you provided with resources other than HOPWA funds. Complete the following worksheet to determine if your project at least meets this 51 percent threshold.

INSTRUCTIONS

Part 1: Calculation of Funding

1. **HOPWA Project Funding – Funding amount of the original or amended HOPWA grant, which you seek to renew.**

   Column A - Original or Amended HOPWA Grant. In Column A, for HOPWA funds only, enter the total program activity costs requested and approved in the prior HOPWA grant. Please note, these costs do not include administrative or project outcome costs. Total Column A.

2. **Permanent Supportive Housing Funding – Percentage of funding dedicated to permanent supportive housing, as defined in the HOPWA NOFA.**

   Column B - HOPWA. In Column B, enter the amount of HOPWA funds from the prior HOPWA grant expended or pending use as approved in the grant that directly provide permanent supportive housing. HOPWA funds used for services or housing of clients in emergency, short-term, or transitional situations, may not be included (expect in relation to short-term rent, mortgage, or utility payments). For example, if part of the supportive services provided actually provides services in a short-term, transitional housing situation or to clients not receiving housing assistance, then only the amount of funds directly providing the permanent supportive housing may be used in the calculation.

   Please note, HUD has determined that only the following activity categories allow expenditures that meet the definition of permanent supportive housing under your prior grant. You may only account for the percentage of funds that were expended or will be expended on permanent housing activities through:

   - Acquisition
   - Rehabilitation, repair, and conversion
   - New construction
   - Rental Assistance
   - Short-term rent, mortgage, or utility payments

- Lease
- Operating Costs
- Supportive Services (for residents of permanent housing only)
- Other HUD approved permanent housing activities

Other HOPWA funded activities, like housing information or resource identification, do not meet the definition of permanent supportive housing. Total Column B.

Column C – Other Funding. If applicable, enter the amount of other funds that provide permanent supportive housing. Other funding resources must be documented in the prior HOPWA grant and documentation that such assistance will continue during the term of the renewal grant must be provided to HUD. Total Column C.

Eligible Activity	**HOPWA Project Funding**	**Permanent Supportive Housing***	
	A. Original or Amended	**B. HOPWA**	**C. Other**
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion	$	$	$
3. New Construction	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services	$	$	$
7. Housing Information	$		
8. Technical Assist. & Resource Identification	$		
9. Rental Assistance	$	$	$
10. Short-term rent, mortgage, & Utility Payments	$	$	$
11. Other (name the type of alternative activity – must be approved in the prior HOPWA grant) _____	$		
12. Total	$	$	$

* Enter only the amounts of HOPWA or other resources that directly provide permanent supportive housing. You may not consider funds providing other types of housing assistance.

Part 2: Calculation

To determine if your project uses at least 51 percent of funding to provide permanent supportive housing, please make the following calculation:

a. Amount of HOPWA funds providing permanent supportive housing (Total of Column B)	
b. Total amount of project activities (Total of Column A)	
c. Divide Row (a) by Row (b) and multiply by 100.	X100
d. Percentage of project funds providing permanent supportive housing.	*

***Please note:**

1) If the percentage is less than 51 percent, you are not eligible to apply for renewal under Part B.
2) If the percentage is 51 percent or over, you are eligible to apply for renewal under Part B and must complete the "Certification of Permanent Supportive Housing".

Part 3: Other Resources

If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, as follows:

A. Permanent Housing. Permanent housing provided through other resources must be documented in the renewal application through a leveraging letter. The leveraging letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing. See Part D, Section V, Rating 4: Leveraging Resources of the HOPWA NOFA, for acceptable leveraging letter examples.

B. Supportive Services. Supportive services provided through other resources must be documented through a commitment letter(s), which outline(s) the type of support that will be provided to clients, the organizations providing such support, and the length of time such supportive will be available. Supportive services must be available to clients in permanent housing throughout the term of the renewal grant.

HOPWA Need for Renewal Chart

Please complete the following chart and submit with your Need for Renewal Narrative. HUD will review this chart and determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

To be eligible, the HOPWA grant must be an expiring grant, defined as a grant that will not have sufficient funds to continue activities until September 30, 2003, if not awarded additional Federal funds. The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended before September 30, 2003 (as measured by reimbursements filed with HUD under the financial system, PAS). HUD may deobligate funding of HOPWA grants that have been renewed on this basis and fail to expend funding by the September 30, 2003.

In addition, if the grant expired in the Federal Fiscal Year 2001 or earlier, i.e. all funds were expended (as measured by PAS) by 9-30-01 or only a residual amount that is less than one percent of the amount of the prior grant remains, you are **not eligible** to apply for renewal funding under this notice.

Line 1	Indicated the amount of the prior HOPWA award.	$
Line 2	Indicate the amount expended as of 9-30-01.	$
Line 3	Subtotal: subtract Line 2 from Line 1. (See Item 1 below.)	$
Line 4	Indicate the amount to be expended in FY2002. (By September 30, 2002)	$
Line 5	Indicate the amount to be expended in FY2003. (By September 30, 2003)	$
Line 6	Subtotal: Subtract Lines 4 and 5 from Line 3. (See Item 2 below)	$

1. If the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice.

2. If the subtotal on Line 6 is greater than zero, you are **not eligible** to apply for renewal funding under the HOPWA Renewal Section of HUD's SuperNOFA. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office.

HOPWA Renewal Project Budget Form

A. Renewal Project Summary Budget. In column A, enter the amount of HOPWA funding that was awarded under the prior HOPWA award (including any change approved by HUD). In column B, enter the total amount of new HOPWA funds being requested as outlined below in Section B: "Annual Summary Budget" – Column D. In column C, enter any other funds (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA renewal funds to undertake the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns B and C) in column D. Enter the totals of each column in line 13 of the budget form.

Eligible Activity	HOPWA Project Funding			
	A. Original/Amd.	B. Renewal Amt.*	C. Other	D. Total
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity) _____	$	$	$	$
9. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
13. Total	$	$	$	$

*Note: Column B should reflect the total of funding requested for all years as outlined in Section B.

HOPWA NOFA – Appendix A

B. Annual Summary Budget. In columns A through C enter the requested amount of HOPWA funds by year. The term of the grant may be up to 3 years. You may request up to 20 percent more than the original award for renewal by activity, but the total requested funds must not exceed $1,200,000. For additional details on eligible activities and limitations, consult the program regulations at 24 CFR 574.300-340. One-time capital development costs are not eligible for renewal. In column D, enter the total amount of requested HOPWA funds for each year by summing columns A through C. The totals in Column D should equal the totals in Column B in Section A-"Renewal Project Summary Budget" and should represent your total request for HOPWA funds. Enter the totals of each column in line 13 of the budget form.

Indicate the number of years you are requesting renewal funding (1-3 years). _____

Eligible Activity	HOPWA Project Funding			
	A. Year 1	B. Year 2	C. Year 3	D. Total *
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity) _____	$	$	$	$
9. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
13. Total	$	$	$	$

*Note: Totals in this column should equal the totals in Column B, Section A – "Renewal Project Summary Budget".

C. Renewal Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA renewal funds under this application, please complete the Renewal Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed by the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be numbered as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA renewal funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity.

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three-year grant period.*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term.*	

E. For each HOPWA Eligible Activity (lines 1-10), enter the amount of requested HOPWA renewal funds. NOTE: A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor should equal the totals entered in Section A- Column B of the Renewal Project Summary Budget.

HOPWA NOFA – Appendix A

A. HOPWA Renewal Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

Is the organization a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes ☐ No

D. Eligible Activity and Description	**E. HOPWA Renewal Request**
1. Lease	$
Description:	
2. Operating Costs	$
Description:	
3. Supportive Services	$
Description:	
4. Housing Information	$
Description:	
5. Technical Assistance and Resource Identification	$
Description:	
6. Rental Assistance	$
Description:	
7. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	

Form, page 2

8. Other (please indicate the activity)	$
Description:	
9. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
10. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA NOFA – Appendix A

HOPWA Renewal Project Information Form

A. Grant Number
Please provide the grant number of the HOPWA grant for which you are seeking renewal.

Grant Number		**Year Funded:**	

B. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

C. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your proposed project, the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person.

Are new project sponsor(s) being added to the renewal project? Yes ☐ / No ☐
Please note you must provide an Organizational Capacity Narrative if a new project sponsor is added to your renewal project.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality. Please indicate if the site location is confidential or a public site by checking the appropriate box below.

☐ Confidential Site.
(Do not release the street location of this project.)

☐ Public Site.
(The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure.

D. Summary of Proposed Accomplishments.

Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if renewal project is funded and is fully implement and operational.

		Accomplishment by Year		
1.	**Facility-based Housing: Enter total units to be provided.**	Year 1	Year 2	Year 3
	Short-term facility			
	Single room occupancy dwelling ☐ Permanent ☐ Non-Permanent			
	Community residence ☐ Permanent ☐ Non-Permanent			
	Other housing facility (specify) _____ ☐ Permanent ☐ Non-Permanent			
2.	**Scattered-site Payments**	Year 1	Year 2	Year 3
	Tenant-based rental assistance			
	Short-term rent, mortgage, and utility payments			
	Total Units			

Example: If your four-unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

		Accomplishment by Year		
		Year 1	Year 2	Year 3
1.	Number of persons with HIV/AIDS who will receive some form of housing assistance			
2.	Number of family members of the above who will be residing with the person receiving housing assistance			
3.	Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4.	Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5.	Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your 4 unit community residence each year and new clients enter the project, enter your best estimate of all the persons projected to be served for each year.

E. Additional Information

The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

☐ Severely Mentally Ill ☐ Chronic Substance Abuse ☐ Veterans

☐ Multiply-Diagnosed ☐ Victims of Domestic Violence

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas, or (2) is outside of the urbanized areas within a Metropolitan Area.)

☐ Yes ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Local Field Office Contact List

NEW ENGLAND	CPD DIRECTOR	PHONE
CONNECTICUT STATE OFFICE ONE CORPORATE CENTER, 19TH FLOOR HARTFORD, CT 06103-3220	**MARY ELLEN MORGAN**	**860-240-4800**
NEW HAMPSHIRE STATE OFFICE 275 CHESTNUT ST. NORRIS COTTON BLDG. MANCHESTER, NH 03101-2487	**RICHARD HATIN**	**603-666-7640**
MASSACHUSETTS STATE OFFICE 10 CAUSEWAY STREET, ROOM 301 BOSTON, MA 02222-1092	**JAMES BARNES**	**617-994-8355**
NEW YORK/ NEW JERSEY		
BUFFALO AREA OFFICE 465 MAIN STREET, FIFTH FLOOR BUFFALO, NY 14203-1780	**MICHAEL F. MERRILL**	**716-551-5755**
NEW JERSEY STATE OFFICE ONE NEWARK CENTER, 13TH FLOOR NEWARK, NJ 07102-5260	**KATHLEEN NAYMOLA**	**973-622-7900**
NEW YORK STATE OFFICE 26 FEDERAL PLAZA NEW YORK, NY 10278-0068	**JOSEPH D'AGOSTA**	**212-264-0771**
MID-ATLANIC		
MARYLANDSTATE OFFICE 10 S. HOWARD ST., 5TH FLOOR CITY CRESCENT BLDG. BALTIMORE, MD 21201-2505	**JOSEPH O'CONNOR**	**410-962-2520**
PENNSYLVANIA STATE OFFICE WANAMAKER BLDG. 100 PENN SQUARE EAST PHILADELPHIA, PA 19107-3390	**JOYCE GASKINS**	**215-656-0624**

PITTSBURGH STATE OFFICE 339 6TH AVENUE, 6TH FLOOR PITTSBURG, PA 15222-2515	**LYNN DANIELS**	**412-644-2999**
VIRGINIA STATE OFFICE 600 EAST BROAD STREET RICHMOND, VA 23230-4920	**CARLOS RENTERIA**	**804-771-2100**
DISTRICT OF COLUMBIA OFFICE 820 1ST ST., N.E., STE. 450 WASHINGTON, DC 20002-4205	**RONALD HERBERT**	**202-275-0994**
SOUTHEAST/CARIBBEAN		
ALABAMA STATE OFFICE MEDICAL FORUM BUILDING SUITE 900 950 22ND STREET NORTH BIRMINGHAM, AL 35203	**HAROLD COLE**	**205-731-2630**
CARIBBEAN OFFICE 159 CARLOS E. CHARDON AVENUE SAN JUAN, PR 00918-1804	**CARMEN R. CABRERA**	**787-766-5400**
FLORIDA STATE OFFICE 909 SOUTHEAST 1ST AVE., RM 500 MIAMI, FL 33131	**JACK JOHNSON**	**305-536-4431**
GEORGIA STATE OFFICE 40 MARIETTA STREET FIVE POINTS PLAZA -15TH FLOOR ATLANTA, GA 30303-3388	**JOHN PERRY**	**404-331-5001**
JACKSONVILLE AREA OFFICE SOUTHERN BELL TOWER 301 WEST BAY STREET, STE. 2200 JACKSONVILLE, FL 32202-5121	**JAMES N. NICHOL**	**904-232-1777**
KENTUCKY STATE OFFICE 601 W. BROADWAY LOUISVILLE, KY 40202	**BEN COOK**	**502-582-6163**
MISSISSIPPI STATE OFFICE 100 WEST CAPITOL STREET, RM 910 JACKSON, MS 39269-1096	**EMILY EBERHARDT**	**601-965-4700**

NORTH CAROLINA STATE OFFICE KOGER BLDG. 2306 W. MEADOWVIEW RD. GREENSBORO, NC 27407-3707	**TOM FEREBEE**	**336-547-4005**
SOUTH CAROLINA STATE OFFICE S. THURMON FED. BLDG. 1835 ASSEMBLY STREET COLUMBIA, SC 29201-2480	**LOUIS E. BRADLEY**	**803-765-5564**
KNOXVILLE AREA OFFICE 710 LOCUST STREET, 3RD FLOOR KNOXVILLE, TN 37902-2526	**VIRGINIA E. PECK**	**865-545-4391**

MIDWEST

ILLINOIS STATE OFFICE 77 WEST JACKSON BOULEVARD RALPH METCALFE BLDG. CHICAGO, IL 60604-3507	**VICTOR THORNTON**	**312-353-1696**
INDIANA STATE OFFICE 151 NORTH DELAWARE STREET INDIANAPOLIS, IN 46204-2526	**ROBERT POFFENBERGER**	**317-226-6303**
MICHIGAN STATE OFFICE PATRICK MCNAMARA BUILDING 477 MICHIGAN AVENUE DETROIT, MI 48226-2592	**JEANETTE HARRIS**	**313-226-7908**
MINNESOTA STATE OFFICE 920 SECOND AVENUE, SOUTH MINNEAPOLIS, MN 55401-2195	**ALAN JOLES**	**612-370-3019**
OHIO STATE OFFICE 200 NORTH HIGH STREET COLUMBUS, OH 43215-2499	**LANA VACHA**	**614-469-5737**
WISCONSIN STATE OFFICE 310 W. WISCONSIN AVENUE, STE 1380 MILWAUKEE, WI 53203-2289	**ROBERT BERLAN**	**414-297-3214**

SOUTHWEST

ARKANSAS STATE OFFICE 425 WEST CAPITAL AVENUE TCBY TOWER, STE. 900 LITTLE ROCK, AR 72201-3488	**DANNY CARTER,** **ACTING DIRECTOR**	**501-324-6375**

LOUISIANA STATE OFFICE 501 MAGAZINE STREET, HALE BOGGS, 9TH FLOOR NEW ORLEANS, LA 70130-3099	**GREG HAMILTON**	**504-589-7212**
NEW MEXICO STATE OFFICE 625 SILVER AVENUE, SW, STE. 100 ALBUGUERQUE, NM 87110-6472	**FRANK PADILLA**	**505-346-7271**
OKLAHOMA STATE OFFICE 500 WEST MAIN STREET, STE. 40 OKLAHOMA CITY, OK 73102	**DAVID H. LONG**	**405-553-7569**
SAN ANTONIO STATE OFFICE WASHINGTON SQUARE 800 DELOROSA STREET SAN ANTONIO, TX 78207-4563	**JOHN T. MALDONADO**	**210-475-6820**
TEXAS STATE OFFICE 801 N. CHERRY STREET, 6T1 25th FLOOR FORT WORTH, TX 76102	**KATIE WORSHAM**	**817-978-5934**

GREAT PLAINS

KANSAS/MISSOURI STATE OFFICE GATEWAY TOWER II 400 STATE AVENUE, RM 200 KANSAS CITY, KS 66101-2406	**WILLIAM ROTERT**	**913-551-5485**
NEBRASKA STATE OFFICE 10909 MILL VALLEY ROAD OMAHA, NE 68154-3955	**GREGORY A. BEVIRT**	**402-492-3181**
ST. LOUIS AREA OFFICE 1222 SPRUCE STREET, 3RD FLOOR SUITE 1200 ST. LOUIS, MO 63103-2836	**ANN WIEDL**	**314-539-6524**

ROCKY MOUNTAIN

COLORADO STATE OFFICE FIRST INTERSTATE TOWER NORTH 633 - 17TH STREET DENVER, CO 80202-3607	**GUADLUPE M. HERRERA**	**303-672-5414**

PACIFIC / HAWAII

CALIFORNIA STATE OFFICE 450 GOLDEN GATE AVENUE SAN FRANCISCO, CA 94102-3448	**STEVE SACHS**	**415-436-6597**
	JIMMY PRATER **DEPUTY DIRECTOR**	**415-436-6592**
HAWAII STATE OFFICE 500 ALA MOANA BLVD. , STE 3A HONOLULU, HI 96813-4918	**MARK CHANDLER, ACT'G**	**808-522-8180**
LOS ANGELES AREA OFFICE AT&T CENTER 611 W. 6TH STREET, STE. 800 LOS ANGELES, CA 90015-3801	**WILLIAM BARTH**	**213-894-8000**
PHOENIX AREA OFFICE 400 NORTH 5TH STREET, STE. 1600 PHOENIX, AZ 85004	**MARTIN H. MITCHELL,** **PROGRAM MANAGER**	**602-379-4754**

NORTHWEST/ALASKA

ALASKA STATE OFFICE 949 EAST 36TH AVENUE, STE. 401 ANCHORAGE, AK 99508-4135	**ANDREW "GUS" SMITH,** **ACT'G**	**907-271-3669**
OREGON STATE OFFICE 400 SOUTHWEST 6TH AVE. STE. 700 PORTLAND, OR 97204-1632	**DOUGLAS CARLSON**	**503-326-7018**
WASHINGTON STATE OFFIC 909 1ST AVENUE, STE. 200 SEATTLE, WA 98104-1000	**JACK PETERS**	**206-220-5150**
	DON PHILLIPS, DEPUTY **DIRECTOR**	

HOPWA NOFA – Appendix C

FY 2002 HOPWA Formula Allocations
Including Non-Eligible Areas

On November 29, 2001, HUD announced that $247.889 million, or 90 percent of the total FY2002 HOPWA appropriation of $277.432 million, was allocated under the statutory formula to 108 HOPWA grantees, including 74 cities for Eligible Metropolitan Statistical Areas (EMSA's) and 34 States. The grantee for these amounts is the State or, for the EMSA, the most populous city in that area, which is the jurisdiction noted below. The State of New Jersey will administer funds for the four New Jersey Counties that are in the Philadelphia Metropolitan Area. Each of the allocations are made available under the jurisdiction's consolidated plan.

Three new FY2002 grantees are noted as (*) in following metropolitan areas: Charleston, SC, Greenville, SC, and Tucson, AZ. The new EMSA's will reduce the prior service areas of two State grants in Arizona and South Carolina. In addition Wake County, NC was given authorization to administer the grant to the Raleigh Metropolitan Area.

For further information regarding HOPWA formula grantees visit the HOPWA website at http://www.hud.gov/offices/cpd/aidshousing.

STA	NAME	2002 Amount
AL	BIRMINGHAM	$469,000
AL	ALABAMA STATE PROGRAM	$1,076,000
AZ	PHOENIX	$1,299,000
AZ	TUCSON*	$376,000
AZ	ARIZONA STATE PROGRAM	$121,000
AR	ARKANSAS STATE PROGRAM	$706,000
CA	LOS ANGELES	$10,288,000
CA	OAKLAND	$1,969,000
CA	RIVERSIDE	$1,699,000
CA	SACRAMENTO	$784,000
CA	SAN DIEGO	$2,593,000
CA	SAN FRANCISCO	$9,414,000
CA	SAN JOSE	$764,000
CA	SANTA ANA	$1,389,000
CA	CALIFORNIA STATE PROGRAM	$2,952,000
CO	DENVER	$1,374,000
CT	HARTFORD	$996,000
CT	NEW HAVEN	$706,000
CT	CONNECTICUT STATE PROGRAM	$1,137,000
DE	WILMINGTON	$1,015,000
DE	DELAWARE STATE PROGRAM	$150,000
DC	WASHINGTON	$10,451,000
FL	FT LAUDERDALE	$6,960,000
FL	MIAMI	$12,482,000
FL	ORLANDO	$2,711,000

FL	TAMPA	$2,771,000
FL	WEST PALM BEACH	$3,960,000
FL	JACKSONVILLE-DUVAL	$1,865,000
FL	FLORIDA STATE PROGRAM	$4,129,000
GA	ATLANTA	$3,884,000
GA	GEORGIA STATE PROGRAM	$1,701,000
HI	HONOLULU	$438,000
HI	HAWAII STATE PROGRAM	$160,000
IL	CHICAGO	$5,301,000
IL	ILLINOIS STATE PROGRAM	$691,000
IN	INDIANAPOLIS	$708,000
IN	INDIANA STATE PROGRAM	$751,000
KY	LOUISVILLE	$405,000
KY	KENTUCKY STATE PROGRAM	$390,000
LA	BATON ROUGE	$999,000
LA	NEW ORLEANS	$2,602,000
LA	LOUISIANA STATE PROGRAM	$933,000
MD	BALTIMORE	$7,033,000
MA	BOSTON	$2,416,000
MA	SPRINGFIELD	$535,000
MA	MASSACHUSETTS STATE PROGRAM	$1,072,000
MI	DETROIT	$1,913,000
MI	MICHIGAN STATE PROGRAM	$856,000
MN	MINNEAPOLIS	$817,000
MN	MINNESOTA STATE PROGRAM	$107,000
MS	MISSISSIPPI STATE PROGRAM	$1,097,000
MO	KANSAS CITY	$959,000
MO	ST LOUIS	$1,155,000
MO	MISSOURI STATE PROGRAM	$484,000
NV	LAS VEGAS	$891,000
NV	NEVADA STATE PROGRAM	$225,000
NJ	DOVER TOWNSHIP	$707,000
NJ	JERSEY CITY	$2,707,000
NJ	NEWARK	$6,979,000
NJ	PATERSON	$1,333,000
NJ	WOODBRIDGE	$786,000
NJ	NEW JERSEY STATE PROGRAM	$1,991,000
NM	NEW MEXICO STATE PROGRAM	$501,000
NY	ALBANY	$432,000
NY	BUFFALO	$446,000
NY	ISLIP TOWN	$1,633,000
NY	NEW YORK CITY	$49,409,000
NY	ROCHESTER	$566,000
NY	NEW YORK STATE PROGRAM	$2,239,000
NC	CHARLOTTE	$520,000
NC	GREENSBORO	$413,000
NC	WAKE COUNTY	$494,000

NC	NORTH CAROLINA STATE PROGRAM	$1,172,000
OH	CINCINNATI	$464,000
OH	CLEVELAND	$824,000
OH	COLUMBUS	$543,000
OH	OHIO STATE PROGRAM	$1,020,000
OK	OKLAHOMA CITY	$491,000
OK	OKLAHOMA STATE PROGRAM	$491,000
OR	PORTLAND	$950,000
PA	PHILADELPHIA	$7,125,000
PA	PITTSBURGH	$579,000
PA	PENNSYLVANIA STATE PROGRAM	$1,443,000
RI	PROVIDENCE	$521,000
SC	CHARLESTON*	$524,000
SC	COLUMBIA	$1,019,000
SC	GREENVILLE*	$374,000
SC	SOUTH CAROLINA STATE PROGRAM	$1,041,000
TN	MEMPHIS	$1,801,000
TN	NASHVILLE-DAVIDSON	$1,454,000
TN	TENNESSEE STATE PROGRAM	$694,000
TX	AUSTIN	$948,000
TX	DALLAS	$3,022,000
TX	FORT WORTH	$798,000
TX	HOUSTON	$4,653,000
TX	SAN ANTONIO	$965,000
TX	TEXAS STATE PROGRAM	$2,779,000
UT	SALT LAKE CITY	$421,000
UT	UTAH STATE PROGRAM	$65,000
VA	RICHMOND	$638,000
VA	VIRGINIA BEACH	$957,000
VA	VIRGINIA STATE PROGRAM	$614,000
WA	SEATTLE	$1,641,000
WA	WASHINGTON STATE PROGRAM	$608,000
WI	MILWAUKEE	$483,000
WI	WISCONSIN STATE PROGRAM	$385,000
PR	SAN JUAN MUNICIPIO	$7,831,000
PR	PUERTO RICO STATE PROGRAM	$2,266,000

Non-Eligible Areas:

The following areas are not eligible for HOPWA FY 2002 formula allocations. State and units of general local government from these areas may apply for HOPWA projects under the Long-Term category of grants as detailed in the HOPWA program section of the SuperNOFA.

STATE	NON-ELIGIBLE AREAS
AK	State of Alaska
CO	State of Colorado (outside of Denver, EMSA)
IA	State of Iowa
ID	State of Idaho
KS	State of Kansas (outside of Kansas City, EMSA)
ME	State of Maine
MD	State of Maryland (outside of Baltimore, Washington DC, and Wilmington EMSA)
MT	State of Montana
ND	State of North Dakota
NE	State of Nebraska
NH	State of New Hampshire (outside of Boston, EMSA)
OR	State of Oregon (outside of Portland, EMSA)
RI	State of Rhode Island (outside of Providence, EMSA)
SD	State of South Dakota
VT	State of Vermont
WV	State of West Virginia (outside of Washington DC, EMSA)
WY	State of Wyoming
	Virgin Islands
	Pacific Islands

HOPWA NOFA – Appendix D

HOPWA Application Checklist

Checklist of Exhibits

Please insert page numbers

- ☐ Transmittal Letter (that identifies HOPWA and amount requested)
- ☐ Application for Federal Assistance (Form SF-424) and (HUD-424M)
- ☐ Project Synopsis and Executive Summary
- ☐ Exhibit 1 Applicant and Sponsor Information
- ☐ Exhibit 2 Need/Extent of Problem
- ☐ HOPWA Project Information Form
- ☐ Exhibit 3 Soundness of Approach
- ☐ HOPWA Project Budget Form
- ☐ Exhibit 4 Leveraging
- ☐ Exhibit 5 Coordination, Self-Sufficiency, and Sustainability
- ☐ Statutory Certifications (Required by law)
- ☐ Acknowledgement of Application Receipt (Optional) (HUD-2993)
- ☐ Evaluation by Customer (Optional) (HUD-2994)

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HOPWA Project Information Form

Exhibit 3: Proposed HOPWA Project / Soundness of Approach
Please complete form and place before the Soundness of Approach narrative section of your application.

A. Category of Assistance. Check only one of the following two boxes.

☐ **Category 1: Special Projects of National Significance.**

☐ **Category 2: Projects which are part of long-term comprehensive strategies for providing housing and related services** in an area that did not qualify for a HOPWA formula award.

B. Duplication of Assistance Requested. Please indicate if you or your project sponsor is seeking funding under this HOPWA competition for an activity that is duplicated in an application under the HUD Continuum of Care Homeless Assistance 2002 competition as follows:

☐ A proposed HOPWA activity is identical and ***duplicates funding*** requested in an application for HUD continuum of care funding;

☐ A proposed activity is related but ***not identical*** to the requested funding.

☐ No related assistance is being requested.

D. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

C. Summary of Proposed Accomplishments.

Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units of housing served if project is funded and is fully implement and operational.

		Accomplishment by Year		
1.	**Facility-based Housing: Enter total units to be provided.**	Year 1	Year 2	Year 3
	Short-term facility			
	Single room occupancy dwelling ☐ Permanent ☐ Non-permanent			
	Community residence ☐ Permanent ☐ Non-permanent			
	Other housing facility (specify)_____ ☐ Permanent ☐ Non-permanent			
2.	**Scattered-site Payments**	Year 1	Year 2	Year 3
	Tenant-based rental assistance			
	Short-term rent, mortgage, and utility payments			
	Total Units			

Example: If your four-unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

		Accomplishment by Year		
		Year 1	Year 2	Year 3
1.	Number of persons with HIV/AIDS who will receive some form of housing assistance			
2.	Number of family members of the above who will be residing with the person receiving housing assistance			
3.	Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)			
4.	Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).			
5.	Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your four unit community residence each year and new clients enter the project, enter you best estimate of all the persons projected to be served for each year.

E. Project Sponsors and Sites. Below or on a separate page, if needed, identify all the project sponsors that are involved in your proposed project, including the amount of funds each will utilize; and the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person. Your narrative on the proposed program activities should also specify which activities each sponsor will be carrying out.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for new construction, acquisition, rehabilitation, operating costs, and/ or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality.

☐ Confidential Site. (Do not release the street location of this project.)

☐ Public Site. (The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure (except for new constructions).

F. Additional Information

The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

- ☐ Severely Mentally Ill
- ☐ Chronic Substance Abuse
- ☐ Multiply-Diagnosed
- ☐ Victims of Domestic Violence
- ☐ Veterans

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas, or (2) is outside of the urbanized areas within a Metropolitan Area.)

- ☐ Yes
- ☐ No

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HOPWA Project Budget Form

A. Project Summary Budget. In columns A & B, enter the appropriate amount of funding that will be utilized for the HOPWA eligible activity for all years requested. For example, in column A enter the amount of HOPWA funds being requested for each eligible activity. In column B, enter the amount of other funds, if any, (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA funds to complete the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns A & B) in column C. Enter the totals of each column in line 16 of the budget form. For additional details on eligible activities and limitations, consult the program regulations at 24 CGR 574.300-340.

Eligible Activity	Project Funding		
	A. HOPWA	B. Other	C. Total
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion*	$	$	$
3. New Construction*	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services (May not exceed 35% of activity costs.)	$	$	$
7. Housing Information	$	$	$
8. Technical Assist. & Resource Identification (May not exceed 20% of activity costs.)	$	$	$
9. Rental Assistance	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3)	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$
16. Total	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

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B. Annual Summary Budget. In columns A through C enter the requested amount of HOPWA funds by year. The term of the grant may be up to 3 years. In column D, enter the total amount of requested HOPWA funds for each year by summing columns A through C. The totals in Column D should equal the totals in Column A in Section A-"Project Summary Budget" and should represent your total request for HOPWA funds. Enter the totals of each column in line 16 of the budget form.

Indicate the number of years you are requesting renewal funding (1-3 years). ____

Eligible Activity	Project Funding			
	A. Year 1	B. Year 2	C. Year 3	D. Total
1. Acquisition	$	$	$	$
2. Rehabilitation, Repair, & Conversion*	$	$	$	$
3. New Construction*	$	$	$	$
4. Lease	$	$	$	$
5. Operating Costs	$	$	$	$
6. Supportive Services (May not exceed 35% of activity costs)	$	$	$	$
7. Housing Information	$	$	$	$
8. Technical Assist. & Resource Identification (May not exceed 20% of activity costs.)	$	$	$	$
9. Rental Assistance	$	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3) ____	$	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$	$
16. Total	$	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

C. Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA funds under this application, please complete the Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be number as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity as presented in your application. In addition, reference the project goal or objective which corresponds to the described activity. See the below examples:

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three year grant period. (See Project Goals/Objectives, Goal 1 pg. 23)*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term. (See Project Goals/Objectives, Goal 3, pg. 21)*	

E. For each HOPWA Eligible Activity (lines 1-13), enter the amount of requested HOPWA funds. NOTE: A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor, should equal the totals entered in Section A - Column A of the Project Summary Budget.

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A. HOPWA Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor:

_____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

Is the organization a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

☐ Yes ☐ No

D. Eligible Activity and Description	E. HOPWA Request
1. Acquisition	$
Description:	
2. Rehabilitation, Repair & Conversion	$
Description:	
3. New Construction	$
Description:	
4. Lease	$
Description:	
5. Operating Costs	$
Description:	
6. Supportive Services	$
Description:	
7. Housing Information	$
Description:	

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Form, Page 2

D. Eligible Activity and Description	E. HOPWA Request
8. Technical Assistance and Resource Identification	$
Description:	
9. Rental Assistance	$
Description:	
10. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
11. Other (name the type of alternative activity that is also described exhibit 3)	$
Description:	
12. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
13. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

HOPWA NOFA – Appendix D

Leveraging HOPWA Resources

Leveraging

Applicants will receive points to the extent that they document resources that are being brought to the project from other public or private sources. Enter in this chart the cash value of documented cash and in-kind resources from other public (including other Federal) and private sources that are committed to the project during the grant period.

Value of Documented Resources

Resource	Page No. of Documentation	Cash Value	HUD Use Only
a. Cash		$	
b. Non-cash Resources		$	
c. Volunteer Time		$	
d. Contribution of a Building		$	
e. Contribution of a Building to be Acquired with HOPWA		$	
f. Contribution of a Leasehold interest		$	
Total of all Leveraging		$	

HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. Within the HOPWA eligible population, it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR Part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the

greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to per-sons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit discrimination based on handicap in Federally-assisted programs and activities.

It will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, and where applicable, the design and construction requirements of the Fair Housing Act.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested per-sons can obtain information concerning the assistance.

2. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR Part 24.

3. It will not acquire, rehabilitate, convert, lease, repair or construct property to provide housing or commit HUD, State, local or other funds to program activities with respect to any eligible property until it has obtained HUD approval of form HUD-7015.15, "Request for the Release of Funds and Certification" of compliance with the National Environmental Policy Act and implementing regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) or, in cases where HUD has performed the environmental review, the Applicant has obtained HUD approval of the site following HUD's completion of form HUD-4128.

4. Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than three years in cases involving non-substantial rehabilitation or repair of a building or structure.

5. It and its principals (see 24 CFR 24.105(p)):

(a) are not presently debarred, suspended, proposed for debarment,

declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency;

(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted for or other-wise criminally or civilly charged by a govern-mental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and

(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

HOPWA Applicant Certifications

Signature of Authorized Certifying Official & Date

X

Title

Name of Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES (MAINSTREAM PROGRAM)

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide vouchers under the Housing Choice Voucher Program to enable persons with disabilities (elderly and non-elderly) to access affordable private housing.

Available Funds. Approximately $53.9 million in five-year budget authority, derived from Section 811 funding, for approximately 1,900 vouchers is available to public housing agencies (PHAs) and nonprofit disability organizations.

Applications are also being invited from PHAs for one-year budget authority funding (non-Section 811 funds) that HUD anticipates may be available for the Mainstream Program in FY 2002. Specifically, any portion of the $40 million in one-year budget authority contained in FY 2002 appropriations related to designated housing plans; preferences in occupancy for the elderly in certain types of Section 8 project-based developments; or restrictions in occupancy to elderly only in certain types of Section 202, Section 221(d)(3), or Section 236 developments remaining unobligated and not needed to fund approvable applications under these programs will be added to the approximately $53.9 million in five-year budget authority available under this announcement. This one-year budget authority will be used only for non-elderly disabled families.

See section II(A) of this funding announcement which fully addresses (1) the source of the $53.9 million in five-year budget authority appropriated by Congress for FY 2002 under Section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), and (2) the source of the non-Section 811 funds comprising one-year budget authority which may also be available under this funding announcement. All future references in this funding announcement to five-year budget authority or one-year budget authority, respectively, are based upon these funding sources.

Eligible Applicants. PHAs and nonprofit disability organizations that provide services to disabled families are eligible to apply for the $53.9 million in five-year budget authority for applications submitted in FY 2002. While PHAs and nonprofit disability organizations are eligible to apply for the $53.9 million in five-year budget authority available under this announcement, only PHAs are eligible to apply for the one-year budget authority that may also be available under this announcement (see Section II(A) of this announcement regarding the possibility of one-year funding also being available for the Mainstream Program). PHAs or nonprofit disability organizations that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

The vouchers that HUD will provide under this announcement must be made available to eligible disabled families regardless of their type of disability. (See the definition of disabled family in Section IV(E) of this announcement.) The Mainstream Program vouchers must not be issued by the administering agency on the basis of any preference system favoring any particular type of disability over another, nor shall the vouchers be issued solely on the basis of an administering agency's waiting list which is based on that agency's having heretofore served only certain types of disabled persons. The Housing Choice Voucher Program regulations provide at 24 CFR 982.207(c) that a PHA may give preference for admission of families that include a person with disabilities; however, the PHA may not give preference for admission of persons with a specific disability. This regulatory requirement is also applicable to nonprofit disability organizations who receive funding under this announcement as such organizations must comply with the regulatory requirements applicable to the Housing Choice Voucher Program.

Application Deadline. July 22, 2002.

Match. None.

Additional Information

If you are interested in applying for funding under the Mainstream Program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your completed application (an original and one copy) to HUD on or before July 22, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.* This application deadline date is firm. In the interest of fairness to all competing PHAs and nonprofit disability organizations, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of one original and one copy. Submit your original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.* The Grants Management Center (GMC) is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered. A copy of the application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and the local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications sent to Headquarters may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC on or within fifteen (15) days

of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding for the Mainstream Program.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funding for Mainstream Program.* Approximately $53.9 million in five-year funding is available for approximately 1,900 vouchers. This allocation is consistent with the FY 2002 HUD Appropriations Act which provides that the Secretary of HUD may designate up to 25 percent of the amounts earmarked for supportive housing for persons with disabilities, under section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA), for tenant-based assistance. The $53.9 million in five-year budget authority made available to applicants under this Mainstream Program funding announcement does not exceed 25 percent of the $240.9 million made available for the Section 811 Program under the FY 2002 HUD Appropriations Act.

All of the approximately $53.9 million in funding is for use in the housing of elderly and non-elderly disabled families. HUD will supplement the $53.9 million of five-year budget authority with additional funding of up to as much as $40 million in one-year budget authority initially earmarked for (1) housing choice vouchers for non-elderly disabled families in support of designated housing plans, and (2) non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or non-elderly disabled families not being housed in certain section 202, section 221(d)(3) and section 236 developments (or portions thereof) where the owners have restricted occupancy to elderly families. The FY 2002 HUD Appropriations Act states that to the extent the Secretary determines that the FY 2002 appropriations related to designated housing plans and certain types of Section 8 project-based developments and certain types of section 202, section 221(d)(3) and section 236 developments are not needed to fund applications, the funds may be used for other non-elderly disabled families. Any such remaining funds will be used to supplement funding for the Mainstream Program.

(B) *Funding for the Section 811 Program.* The Section 811 Program of Supportive Housing for Persons With Disabilities, located elsewhere in the SuperNOFA, provides capital advances and project rental assistance in FY 2002. The Section 811 Program of Supportive Housing for Persons With Disabilities will provide funding to nonprofit organizations (sponsors) for the development and operation of small, scattered-site housing to enable adults with disabilities to live as independently as possible in the community. The capital advance does not need to be repaid as long as the housing is used for its intended purpose for at least 40 years. The project rental assistance funds cover the difference between the HUD-approved operating expenses of the housing and the tenant's contribution towards rent, which is 30 percent of adjusted income. The types of housing that are typically developed through the program are small group homes for no more than six persons, independent living projects containing individual apartment units for no more than 18 persons, and condominium units. Sponsors are required to ensure that residents have access to any necessary supportive services but cannot require the acceptance of such as a condition of occupancy.

(C) *Housing Choice Voucher Funding.*

(1) *Lottery.* HUD will select approvable applications for funding by lottery in the event approvable applications are received for more funding than is available under this Mainstream Program announcement. In such event, a separate lottery will be held first to select applications for funding for the $53.9 million available in five-year budget authority available under this announcement, and a separate lottery will be held to select applications for funding for whatever amount of one-year budget authority may be available during FY 2002 for the Mainstream Program. PHAs should clearly indicate in their applications if they are applying for both five-year and one-year funding in order to ensure their inclusion in both lotteries. This would allow the last selected application (if a PHA) under the five-year funding lottery to be automatically funded with one-year budget authority for the remaining number of vouchers requested, but for which there was insufficient five-year budget authority at the point the PHA was selected in the five-year funding lottery. This would also allow a PHA to be automatically included in the lottery for one-year budget authority funding if not fortunate enough to be selected for any funding in the five-year budget authority lottery. PHAs applying for one-year funding must make it clear in their applications that they have a sufficient number of non-elderly disabled families to support the number of vouchers being requested. *As indicated earlier in this announcement, one-year budget authority funding is for use only by PHAs solely for non-elderly disabled families, whereas five-year budget*

authority is for use by PHAs and nonprofit disability organizations for both elderly and non-elderly disabled families.

(2) *Maximum Voucher Request.* There is a limit on the number of vouchers that may be requested. An eligible applicant may apply for a maximum of 75 vouchers. No more than a grand total of 75 vouchers will be awarded to any applicant under the FY 2002 Mainstream Program; i.e., a PHA or nonprofit disability organization receiving five-year budget authority funding shall be funded for no more than 75 vouchers; a PHA receiving a combination of five-year and one-year budget authority shall be funded for no more than 75 vouchers; and a PHA receiving only one-year budget authority funding shall be funded for no more than 75 vouchers.

(3) *Determination of Funding Amount for the Applicant's Requested Number of Vouchers.* HUD will determine the amount of funding that an applicant will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (Form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: Applicants who do not currently administer a housing choice voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(4) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to applicants that have not previously administered their own housing choice voucher program that are selected for funding under this announcement. The preliminary fee will be provided to such applicants only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants and Eligible Participants

(A) *Program Description.* The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide vouchers to enable persons with disabilities to access affordable private housing of their choice.

The Mainstream Program will assist PHAs and nonprofit disability organizations in providing housing choice vouchers to a segment of the population recognized by HUD's housing research as having one of the worst housing needs of any group in the United States; i.e., very low-income households with adults with disabilities. In addition, the Mainstream Program will assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

(B) *Eligible Applicants.* Public housing agencies (PHAs) and nonprofit disability organizations that provide services to the disabled {as defined in Section IV(E) of this announcement} are eligible applicants for the five-year budget authority funding available under this funding announcement. Only PHAs are eligible to apply for the one-year budget authority funding that may be available under this funding announcement. PHAs or nonprofit disability organizations that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply for new increments of housing choice voucher funding because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

(1) *PHAs.*

(a) A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum of 75 vouchers the PHA is eligible to apply for under section II(C)(2) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

(b) PHAs are encouraged to involve nonprofit disability organizations that provide services to disabled families, as defined in section III(B)(2) of this announcement, in the administration of the Mainstream Program's vouchers. Such organizations have frequently in the past demonstrated a capacity to assist disabled families, as well as have an in-depth knowledge of the disability community.

(i) A nonprofit disability organization could function as either a contract administrator for the PHA's Mainstream vouchers, or as a subcontractor responsible for providing case management services or assisting disabled families to locate suitable housing, gain access to supportive services, or identify private funding sources to cover the costs of unit modifications needed as a reasonable accommodation.

(ii) Such contractual arrangements must, however, ensure equal opportunity among the wide variety of disabled populations in the PHA's service area.

(c) In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled PHA designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement by the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not

eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Director of the Grants Management Center. The PHA may appeal the decision, in writing, if HUD has mistakenly classified the PHA as having unresolved major program findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(2) *Nonprofit Disability Organization.* An organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual, that provides services to persons with disabilities and has received a federal tax-exempt designation, under section 501(c)(3) of the Internal Revenue Code, from the U.S. Internal Revenue Service.

(a) The nonprofit entity must:

(i) Have a voluntary board;

(ii) Be authorized by its charter or State law to enter into a contract with the Federal Government to provide housing assistance to persons with disabilities;

(iii) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(iv) Practice nondiscrimination in the provision of assistance.

(b) A nonprofit disability organization meeting the definition of a nonprofit disability organization as defined in this Section III(B)(2), and wishing to apply for the funding available under this announcement must have the capacity to:

(i) Comply with the Section 8 Management Assessment Program (SEMAP) certification requirements under 24 CFR part 985.

(ii) Carry out such housing choice voucher and SEMAP specific related activities as making determinations as to rent reasonableness, performing housing quality standards (HQS) inspections and enforcement, conducting annual reexaminations of participant families, as well as otherwise meeting housing choice voucher program requirements under 24 CFR part 982.

(iii) Manage the Mainstream Program vouchers in a manner equivalent to an overall performance rating under SEMAP (24 CFR part 985) of ''standard'' during the first fiscal year of its receiving Mainstream Program funding.

(iv) Administer rental housing programs or manage rental housing, as demonstrated by a specific list of rental housing programs the nonprofit disability organization has administered or the rental housing the organization has managed (*e.g.* private rental housing, HUD or State-related housing programs, etc.).

Nonprofit disability organizations are encouraged to seek out PHAs in their geographic area to develop cooperative contractual relationships under the Mainstream Program, and to enhance services to disabled families. In addition to contacting local PHAs, nonprofit disability organizations may also wish to contact regional (multi-county), or statewide PHAs who may be applying for Mainstream Program funding.

(C) *Eligible Participants.* Only a disabled family that is income eligible under 24 CFR 982.201(b)(1), as well as otherwise eligible under the regulations at 24 CFR 982.201(b), may receive a voucher awarded under the Mainstream Program. While elderly and non-elderly disabled families are eligible to receive a voucher awarded to a PHA or nonprofit disability organization using five-year budget authority under this announcement, only non-elderly disabled families are eligible to receive a voucher awarded to a PHA using one-year budget authority that may be available for the Mainstream Program under this announcement. Applicants with disabilities must be selected from the PHA's or nonprofit disability organization's housing choice voucher waiting list. Additional information on those families and individuals eligible to receive a voucher is located at the following HUD Web site: *www.hud.gov/offices/pih/programs/hcv.*

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine their own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in the Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program Regulations.* Applicants must administer the Mainstream Program in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program. The only exception to this requirement shall be for nonprofit disability organizations which shall not be required to comply with the requirements of 24 CFR part 903 , subpart B as concerns the requirement for a PHA Plan.

(2) *Housing Choice Voucher Program Admission Requirements.* Housing choice voucher assistance must be provided to eligible disabled families in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (*e.g.,* the family initially selected for the program drops out of the program or is unsuccessful in the search

for a unit), the voucher may be used only for another family eligible for assistance under this announcement for five years for the five-year funding or for one year for the one-year funding under this announcement from the date the rental assistance is placed under an annual contributions contract (ACC). If there is ever an insufficient pool of disabled families on the PHA's or nonprofit disability organization's housing choice voucher waiting list, the PHA or nonprofit disability organization shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from housing choice voucher assistance. If the PHA's or nonprofit disability organization's housing choice voucher waiting list is closed, and if the PHA or nonprofit disability organization has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA or nonprofit disability organization should open the waiting list for applications from disabled families. PHAs and nonprofit organizations must take care to keep track of the number of disabled vouchers they have been awarded under this funding announcement versus the number of such vouchers that have actually been issued to disabled families.

(D) *PHA and Nonprofit Disability Organization Responsibilities.* In addition to the responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs and nonprofit disability organizations that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA or nonprofit disability organization programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rents to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.* The following definitions apply.

(1) *Disabled Family.* Disabled family means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Note: This definition applies to the approximately $53.9 million in five-year budget authority available under the Mainstream Program, as well as to any one-year budget authority that may be available. This definition shall be modified, however, to be limited solely to non-elderly disabled families (families whose head, spouse or sole member is disabled and under the age of 62) regarding any funding available and awarded from the approximately $40 million in FY 2002 for designated housing allocation plans, or in connection with certain Section 8 project-based developments or certain section 202, section 221(d)(3) or section 236 developments. See Section II(A) of this announcement regarding the possibility of additional Mainstream Program funding during FY 2002 beyond the approximately $53.9 million initially available.

(2) *Person with disabilities.* Means a person who:

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions;

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(3) *Housing choice voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; e.g., civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority is to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all applicants shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA,

or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA should inform all officers, employees and agents of its organization of the PHA's code of conduct.

V. Application Selection Process

After the Grants Management Center has screened and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications to ensure that they are technically adequate and responsive to the requirements of this announcement. HUD Headquarters will fund all applications from PHAs and nonprofit disability organizations that are recommended for funding by the Grants Management Center unless HUD receives approvable applications for more funds than are available. If HUD receives approvable applications for more funds than are available, HUD will select applicants to be funded by lottery. A separate lottery will be held first for those PHAs and nonprofit disability organizations seeking funding under the five-year budget authority available under this announcement, and a separate lottery will next be held for those PHAs seeking funding under the one-year budget authority that may be available under this announcement. (Nonprofit disability organizations are not eligible to apply for the one-year budget authority that may be available under this announcement.) All applicants identified by the Grants Management Center as having submitted technically adequate and responsive applications will be included in the lottery. As applicants are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any State to 10 percent of the budget authority available for the Mainstream Program. The 10 percent limit shall be applied first during the lottery for the five-year funding and shall continue over into the lottery for any one-year funding that may be available. This, for instance, may result in a State reaching the 10 percent limit prior to the start of the lottery for any one-year funding that may be available, and therefore any PHAs from that State would not be eligible for any further Mainstream funding. If establishing this geographic limit would result, however, in unreserved budget authority, HUD may modify this limit to assure that all available funds are used.

Applications will be funded for the total number of units requested by the applicant and recommended for approval by the Grants Management Center (not to exceed 75 units) in accordance with this announcement. When remaining budget authority is insufficient to fund the last selected application in full, HUD Headquarters will fund that application to the extent of the funding available, unless the applicant indicates that it will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All applicants must complete and submit Form HUD–52515, Funding Application, for the Housing Choice Voucher Program, (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code (for example, CT002), telephone number, facsimile number and electronic mail address in the same space at the top of the form where they are also to enter the PHA's name and mailing address. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in Appendix B to the **General Section** of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov.* (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'' In addition, the Form HUD–52515 will also be posted with the Mainstream funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.*

In the instance of a nonprofit disability organization that does not currently manage a housing choice voucher program, the nonprofit disability organization shall fill in Section B, Proposed Assisted Dwelling Units, of the form HUD–52515, by either basing the numbers the organization enters in this section on information requested from the nearest public housing agency, based upon its housing choice voucher waiting list, or based upon information from local advocacy groups and local public and private service agencies familiar with the needs of elderly and non-elderly persons with disabilities, census data, and pertinent information from the Consolidated Plan applicable to the applicant's jurisdiction. Section C, Average Monthly Adjusted Income, should be left blank. Section F, New HA Information, requires information on Financial and Administrative Capability and Qualification as a HA. For Financial and Administrative Capability, a nonprofit disability organization may reference that part of its application addressing the requirements of section VI (E) of this announcement. For Qualification as a HA, the nonprofit disability organization should submit information validating its qualifications as a nonprofit disability organization as defined in Section III (B)(2) of this announcement. The submission of enabling legislation is not required, but a legal opinion supportive of the applicant's status as a nonprofit disability organization, as delineated in Section III (B)(2) of this announcement, is required.

(B) *Letter of Intent and Narrative.* The applicant must state in its cover letter to the application whether it is a PHA applying for five-year and/or one-year funding, or a nonprofit disability organization applying for five-year funding. The applicant must also indicate the number of vouchers being requested, whether it will accept a reduction in the number of vouchers, and the minimum number of vouchers the applicant will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that an applicant may apply for under this announcement is limited to 75.

PHAs and nonprofit disability organizations that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement for such PHAs and nonprofit disability organizations (see section II (C) (3) of this funding announcement).

(C) *Description of Need for Mainstream Program Vouchers.* The PHA's and nonprofit disability organization's application must demonstrate a need for Mainstream Program vouchers by providing information documenting that the demand for housing for non-elderly and

elderly persons with disabilities in connection with a request for five-year funding under this announcement would equal or exceed the requested number of vouchers. If the PHA is requesting one-year funding, the demand for housing for non-elderly disabled persons must be demonstrated as equaling or exceeding the number of vouchers being requested. The applicant must assess and document the housing need for elderly and non-elderly persons with disabilities using a range of sources including, but not limited to: census data, information from the applicant's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and housing choice voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of elderly and non-elderly persons with disabilities, and pertinent information from the Consolidated Plan [including the Analysis of Impediments to Fair Housing Choice (AI)] applicable to the applicant's jurisdiction. {See 24 CFR 91.205(d).} The applicant's demonstrated need for vouchers must clearly support need on the basis of only non-elderly disabled families when requesting one-year funding. This distinction is important, as any FY 2002 Mainstream Program funding that may be available beyond the approximately $53.9 million under this announcement, must be used to assist only non-elderly disabled families and will be available only to PHAs. (See Section II (A) of this announcement regarding the possibility of substantially more Mainstream Program funding being available beyond the approximately $53.9 million.)

(D) *Mainstream Program Operating Plan.* The application must include a description of an adequate plan for operating a program to serve eligible disabled families, including:

(1) A description of how the applicant will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features; and

(2) A description of how the applicant will identify private or public funding sources to help participants cover the costs of modifications that need to be made to their units as reasonable accommodations to their disabilities.

(3) A description of how the applicant will use a nonprofit disability organization or PHA (if any) under a contract to administer the Mainstream Program vouchers, or to otherwise provide services.

(E) *Certification Applicable to Nonprofit Disability Organizations.* A nonprofit disability organization applying for funding available under this announcement must provide a certification stating that the applicant can meet the capacity requirements applicable to a nonprofit disability organization delineated in Section III (B)(2)(b) of this announcement. The certification must specifically list the four capacity requirements from that paragraph, and must specifically list the rental housing programs the nonprofit disability organization has administered or the rental housing the nonprofit disability organization has managed.

(F) *Statement Regarding the Steps the PHA and Nonprofit Organization Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's and nonprofit organization's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's and nonprofit organization's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) the maintenance of records reflecting this analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The applicant's statement must fully address the above areas. A general statement that the applicant will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(G) *Moving to Work (MTW) PHA Certification.* See Section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(H) *Form HUD–2993.* All PHAs must complete and submit form HUD–2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the General Section of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements, of this announcement. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all applications from PHAs and nonprofit disability organizations that the Grants Management Center determines are not acceptable for processing. The Grant Management Center's notification of rejection letter must state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications from PHAs or nonprofit disability organizations that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) If the applicant is a PHA and the PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(1)(c) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) If the PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December

31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with the Mainstream funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those potential applicants HUD listed on the HUD web site as having achieved either a 97 percent lease-up rate or 97 percent budget authority utilization rate for fiscal years ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent shall be rounded up to 97 percent.

Moving to Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirements.

(d) The PHA or nonprofit disability organization is involved in litigation and HUD determines that the litigation may seriously impede the ability of the applicant to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement. (This category of ineligibility does not apply to nonprofit disability organizations whose housing choice voucher program is based solely upon previously approved housing choice vouchers under the Mainstream Program.)

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs and nonprofit organizations are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2002 (Pub.L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act also authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the designation of a public housing development under section 7 of the United States Housing Act of 1937, as amended; the establishment of preferences in accordance with section 651 of the Housing and Community Development Act (HCDA) of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the HCDA Act. The FY 2002 Appropriations Act allows the Secretary to transfer any unobligated funds for these purposes, to the extent they are not needed, to assist other non-elderly disabled families. Therefore, any funds remaining unobligated under these program sections will be used to fund applications under the Mainstream Program in the SuperNOFA.

BILLING CODE 4210–32–P

APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000

Audit	$ 2,000
Total	$2,368,000
Program receipts other than Annual Contributions	($2,500)

Total contributions required **$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178

004	07/01/00-06/30/01	280	
Totals			924
Increment 003 litigation		(178)	
Adjusted contract units	**746**		

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:
ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**
ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____
Executive Director

_____
Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN DEVELOPMENTS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN TYPES OF SECTION 8 PROJECT-BASED DEVELOPMENTS AND SECTIONS 202, 221(d)(3) AND 236 DEVELOPMENTS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this program is to provide housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to access affordable housing.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,950 housing choice vouchers.

Eligible Applicants. Public housing agencies (PHAs). PHAs that fall into any of the categories in Section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

Application Deadline. July 2, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance.

Application Due Date. Submit the original and one copy of your completed application to HUD on or before July 2, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.* This application deadline date is firm. In the interest of fairness to all competing PHAs, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of an original and one copy. Submit your original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW., Suite 800, Washington, DC 20024.* The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed to the GMC in HUD Headquarters using the United States Postal Service (USPS). Applications may also be shipped to the GMC via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC within fifteen (15) days of the application due date. *All applicants must obtain and save a* Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30 AM AND 5:30 PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the USPS.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available to provide assistance to approximately 3,950 non-elderly disabled families (who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners

establishing a preference for the admission of elderly families, and for non-elderly disabled families not being housed in certain Section 202, Section 221(d)(3) and Section 236 developments or portions thereof where the owners have restricted occupancy to elderly families).

In the event approvable applications are received for more than the approximately $20 million announced as available under this announcement, funds will be transferred from the approximately $20 million available under the funding announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent funds remain unobligated after funding all approvable applications under that announcement.

Any funding remaining unobligated under this announcement providing assistance for non-elderly persons with disabilities related to certain developments will be used first to fund any approvable applications under the announcement for Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans, for which there may be insufficient funds. Any funds still remaining unobligated will be used to fund any approvable applications under the announcement for Mainstream Housing Opportunities for Persons with Disabilities for which there are insufficient funds.

(B) *Voucher Funding and Preliminary Fees.*

(1) *Voucher Funding.*

(a) *Maximum Voucher Request.* PHAs are limited to applying for no more than a maximum of 200 units (vouchers). A PHA may apply only for the number of units needed to house:

(i) Those non-elderly disabled families who are on the waiting list of an owner of a Section 8 project-based development identified in Section III (A)(1) of this announcement where the owner elected to provide preferences to elderly families, and to house other non-elderly disabled families residing in the community who would qualify for one- or zero-bedroom units; and/or

(ii) Those non-elderly disabled families who are on the waiting list of an assisted housing development identified in Section III(A)(2) of this announcement, or are otherwise residing in the community, but in either instance are not being housed in these assisted housing developments where the owners have restricted occupancy in the developments (or portion thereof) to elderly. Non-elderly disabled families in this second category would also need to qualify for one-or zero bedroom units.

Note: The PHA may apply for a two-bedroom unit under Section II (B) of this announcement in instances where a non-elderly disabled family requires the extra bedroom for purposes of a live-in aide, medical equipment, or other justifications based on a reasonable accommodations request.

(b) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that you will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(i) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(ii) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: If you do not currently administer a housing choice voucher program, your voucher funding will be based upon the annual per unit costs of a PHA in your most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(2) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice voucher program that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing. The specific types of developments covered under these two broad categories are as follows:

(1) Section 651 of the Housing and Community Development Act of 1992 {42 U.S.C. 13611 allowed owners of the *following covered Section 8 project-based developments* (limited to only such developments originally designed primarily for occupancy by elderly families){ to provide preferences to elderly families in selecting tenants for available assisted units in those projects:

(a) Section 8 New Construction Program, 24 CFR part 880;

(b) Section 8 Substantial Rehabilitation Program, 24 CFR part 881;

(c) State Housing Agencies Program (insofar as involving new construction and substantial rehabilitation), 24 CFR part 883;

(d) New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884; and

(e) Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (insofar as involving substantial rehabilitation), 24 CFR part 886, subpart C.

(2) Section 658 of the 1992 Act provides that an owner of a Federally assisted project (or portion thereof) that was designed for occupancy for elderly families may continue to restrict occupancy in such project (or portion) to elderly families in accordance with the rules, standards, and agreements governing occupancy in such housing in effect at the time of the development of the housing. The *three types of assisted housing developments covered by Section 658 are as follows:*

(a) Housing assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act (NAHA);

(b) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears an interest rate determined under section 221(d)(5); and

(c) Housing insured, assisted or held by the Secretary or a State or State Agency under section 236 of the National Housing Act.

(B) *Eligible Applicants.*

(1) PHAs are eligible applicants. PHAs falling into any of the categories in Section VII (B)(2) of this announcement are ineligible to have an application funded under this announcement. A PHA may submit only one application. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA

has been assigned more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under Section II (B)(1)(a) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new housing choice voucher (Section 8) annual contributions contracts (ACC) with IHAs after September 30, 1997.

In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement with the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center. The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having unresolved major program management findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal, and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Eligible participants include non-elderly disabled families who were on the waiting list (at the time of the PHA's application) of a covered development identified in this announcement where the owner had exercised a preference for the admission of elderly families, or restricted occupancy to elderly families, at the time the PHA received the names of these families from the owner of the development(s) for purposes of requesting housing choice vouchers in response to this announcement. These non-elderly disabled families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive housing choice voucher assistance; i.e., it is sufficient that their names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Eligible participants also include other non-elderly disabled families residing in the community who would qualify for a one-or zero-bedroom unit. (See the note in this announcement at the end of Section II(B)(1)(a) for those limited instances in which a PHA could also apply for funding for a two-bedroom unit.) Non-elderly disabled families must be income eligible under 24 CFR 982.201(b)(1) in order to receive a housing choice voucher, as well as otherwise eligible for assistance under the regulations at 24 CFR part 982.201(b). Additional information on the eligibility requirements for a family or individual to receive a housing choice voucher are located at the following HUD Web site: *www.hud.gov/offices/pih/programs/hcv.*

IV. Program Requirements and Operations

In addition to the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher admission requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (*e.g.,* the family initially selected for the program drops out of the program or is unsuccessful in the search

for a unit), the voucher may be used only for another non-elderly disabled family eligible for assistance under this announcement for one year from the date the voucher funding is placed under an annual contributions contract (ACC).

If there is ever an insufficient pool of non-elderly disabled families on the PHA's housing choice voucher waiting list, the PHA shall conduct outreach to encourage eligible persons to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons who would benefit from housing choice voucher assistance. If the PHA's housing choice voucher waiting list is closed, and if the PHA has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA should open the waiting list for applications from non-elderly disabled families. PHAs must take care to keep track of the number of non-elderly disabled vouchers they have been awarded versus the number of such vouchers that have actually been issued to non-elderly disabled families.

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in their meeting the requirements of paragraphs 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(2) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

(3) *Person with Disabilities.* Means a person who—

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions;

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(4) *Housing Choice Voucher Search Assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty and/or minority concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; e.g., civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and other community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees and agents of its organization of the PHA's code of conduct

V. Application Selection Process

After the Grants Management Center has screened all applications and

disapproved any found unacceptable for further processing, the Grants Management Center will review all remaining applications to ensure that they are technically adequate and responsive to the requirements identified in this program section of the SuperNOFA.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications that are recommended for funding by the Grants Management Center, based upon the date and time the application is received in the Grants Management Center. As applications are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available, funds will be transferred from the approximately $20 million available under the Rental Assistance for Non-elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent such funds have not been obligated under that program for approvable applications. Applications will be funded for the total number of units requested and recommended for approval by the Grants Management Center. When remaining budget authority is insufficient to fund the last selected application in full, the Grants Management Center will fund that application to the extent of the funding available, unless the application indicates that the PHA will only accept a higher number of units. In that event, HUD will fund the next selected application that has indicated a willingness to accept the lesser amount of funding for units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same space at the top of the form where they also enter the PHA's name and mailing address. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in the **General Section** of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov*. (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'') In addition, the Form HUD–52515 will also be posted with the Certain Developments funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm*.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

PHAs that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement to such PHAs (see section II (B)(1)(b) of this funding announcement).

(C) *Demonstration of Need: Certification/Waiting List Information and Other Non-Elderly Disabled Families Residing in the Community.* In order to support the number of vouchers being requested on the form HUD–52515, the PHA's application must include:

(1) A certification from the owner of a covered development (see the different types of covered developments listed in Section III(A)(1) and (2) of this announcement), stating the specific type of covered development, preferences are provided to elderly families in selecting tenants (Section 8 project-based developments) or occupancy in the development (or portion thereof) is restricted to elderly families (assisted housing developments), and the number of non-elderly disabled families on the owner's waiting list for the development. PHAs should contact the local HUD Field Office's Director, Multifamily Division, to get the names, addresses and telephone numbers of the developments falling under Section III (A)(1) and (2) in this announcement. The PHA will then need to contact the management/owners of these developments within their jurisdiction to verify that the development is a covered development. Owners of covered developments are encouraged to cooperate with PHAs and provide the required certification (if applicable) in a timely manner, along with the names, addresses and telephone numbers of those families on the development's waiting list that are non-elderly disabled families.

(2) PHAs must also submit information supportive of the number of other non-elderly disabled families residing in the community who would qualify for one-bedroom or zero-bedroom units (not on the waiting lists of covered developments). (See the note at the end of Section II (B)(1)(a) of this announcement which identifies those limited instances in which a PHA may apply for funding for a two-bedroom unit.) The application must demonstrate a need for vouchers by providing information documenting that the demand for housing for non-elderly disabled families would equal or exceed the requested number of vouchers (not to exceed 200). The PHA must assess and document the need using a range of sources including, but not limited to: census data, information from the PHA's waiting list (both public housing and housing choice voucher), statistics on recent public housing admissions and voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of non-elderly disabled families, and pertinent information from the Consolidated Plan (including the Analysis of Impediments to Fair Housing Choice) applicable to the PHA's jurisdiction. (See 24 CFR 91.205(d).)

(D) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan developed to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) the maintenance of records reflecting this analysis and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The PHA's statement must fully address the above areas. A general statement that the PHA will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(E) *Moving to Work (MTW) PHA Certification.* See Section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(F) *Form HUD–2993.* All PHAs must complete and submit form HUD—2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the General Section of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in Section VI, Application Submission Requirements, of this announcement. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications*

(1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the Grants Management Center will disapprove all applications that the Grants Management Center determines are not acceptable for processing. The Grants Management Center's notification of rejection letter will state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications that fall into any of the following categories will not be processed:

(a) Applications that do not meet the threshold fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) The PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III (B)(2) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with this funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD web site as having achieved either a 97 percent lease-up rate or 97 percent funding utilization rate for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent will be rounded up to 97 percent.

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirement.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2002 (Pub.L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act authorized

appropriations for housing choice vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2002 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

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APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000
Audit	$ 2,000
Total	$2,368,000

Program receipts other than Annual Contributions	($2,500)
Total contributions required	**$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178
004	07/01/00-06/30/01	280
Totals		924

Increment 003 litigation		(178)
Adjusted contract units	**746**	
Unit months leased reported by PHA		8,726
divided by 12		727
Units Leased		**727**
Lease-up Rate		
Units leased		**727**
divided by adjusted contract units		**746**
equals		
Lease-up Rate		**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:

ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**

ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the voucher funding being made available under the Housing Choice Voucher Program through this announcement is to enable non-elderly families with disabilities to access affordable private housing. The vouchers will assist public housing agencies (PHAs) in providing sufficient alternative resources to meet the housing needs of those non-elderly disabled families who would have been housed by the PHA if occupancy in a designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs who wish to continue to designate their buildings as ''mixed elderly and disabled buildings'' but can demonstrate a need for alternative resources for non-elderly disabled families.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,950 housing choice vouchers.

Eligible Applicants. Public housing agencies (PHAs). PHAs that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. Indian Housing Authorities, Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plans are not applicable to IHAs.

Application Deadline. The application in its entirety must be submitted to HUD's Grants Management Center by July 23, 2002. By not later than May 20, 2002, the designated housing plan portion of the application must be submitted to HUD's Special Application Center.

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Dates, Application Kits, Further Information and Technical Assistance

Application Due Dates. Submit your original and one copy of your completed application (including the designated housing plan, as appropriate) to HUD on or before July 23, 2002. *See the paragraphs titled ''Mailed Applications'' and ''Applications Sent by Overnight/Express Mail Delivery'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted*. This application deadline date is firm. In the interest of fairness to all competing PHAs, HUD will not consider any application that is received after the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the competition under this funding announcement, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit the original application and one copy to: *Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School; Street, SW, Suite 800, Washington, DC 20024*. The Grants Management Center (GMC) is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered.

Submit one copy of the designated housing plan portion of your application to the Office of Public Housing, Special Application Center (SAC), Room 2401, 77 West Jackson Boulevard, Chicago, IL 60604 (312–886–9754), so as to be received by the SAC by not later than May 20, 2002. See the paragraph titled ''Mailed Applications'' in section I of this funding announcement regarding the specific time on the application due date by which applications are to be submitted.

Note: The Special Application Center is allowed, by statute, 60 days in which to review a PHA's designated housing plan.

A PHA submitting an application for voucher funding under this announcement shall not be eligible for funding if it does not submit its entire application to the GMC, and the designated housing plan portion of its application (as applicable) to the SAC, by the deadline dates specified above.

A copy of your application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

New Security Procedures. In response to the terrorist attacks in September 2001, HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed to the GMC in HUD Headquarters, or (for the designated housing plan portion of the application) to the SAC in Chicago, Illinois, using the United States Postal Service (USPS). Applications may also be shipped to the GMC via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. (Use of these delivery services or any other delivery services for the submission of the designated housing plan portion of the application to the SAC is not allowed.) No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered to be timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the GMC (the entire application) and the SAC (designated housing plan portion of the application) within fifteen (15) days of the application due dates applicable to each of these separate submissions. *All applicants must obtain and save* a Certificate of Mailing showing the date when you submitted your application to the United States Postal Service (USPS). The Certificate of mailing will be your documentary evidence that your application was timely filed.

Applications Sent to the GMC by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD

Headquarters regularly. These services are UPS, DHL, FedEx, and Falcon Carrier. Delivery by these services must be made during HUD Headquarters business hours, between 8:30AM and 5:30PM Eastern Time, Monday to Friday. If these companies do not service your area, you should submit your application via the USPS. (The submission by a PHA to the SAC of the designated housing plan portion of its application must be done solely by mail using the USPS.)

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1872, ext.4064. Subsequent to application submission, you may contact the Grants Management Center at (202) 358–0221. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov*.

II. Amount Allocated.

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available for housing choice vouchers for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, or elderly families and disabled families only. This funding is expected to provide assistance to approximately 3,950 non-elderly disabled families.

The FY 2002 HUD Appropriations Act allows the Secretary of HUD to transfer any unobligated funds for support of designated housing plans to assist non-elderly disabled families to the extent they are not needed to fund approvable applications related to designated housing plans during FY 2002. Accordingly, any funds remaining unobligated under this announcement will first be used to fund any approvable applications under HUD's announcement for Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, Section 221(d)(3) and Section 236 Developments, for which there are insufficient funds. Any funds still remaining unobligated under this announcement for funding in support of designated housing plans shall be used to fund any approvable applications under HUD's announcement for Mainstream Housing Opportunities For Persons With Disabilities, for which there are insufficient funds.

(B) *Voucher Funding.*

(1) *Maximum Voucher Request.* A PHA may apply for only the number of units needed to house those non-elderly disabled families that otherwise would have been housed if not for the designation of a project/building (or portion thereof) for occupancy by the elderly only. The size of the units applied for must bear a direct relationship to the size of the units designated. PHAs are limited to applying for no more than a maximum of 200 units (vouchers).

(2) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that a PHA will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units} using the following two step process:

(a) HUD will extract the total expenditures for all the PHA's housing choice voucher and certificate programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's housing choice voucher and certificate programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

Note: Applicants who do not currently administer a housing choice voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a housing choice voucher program, using the two step process described immediately above.

(3) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own housing choice voucher program and that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering housing choice vouchers.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides housing choice vouchers to assist non-elderly disabled families who would have been housed by a PHA if occupancy in the designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs that wish to continue to designate their projects/buildings (or portions thereof) as ''mixed elderly and disabled buildings'' and can demonstrate a need for alternative housing resources for non-elderly disabled families that is consistent with the jurisdiction's Consolidated Plan and the low-income housing needs of the jurisdiction.

(B) *Eligible Applicants.* PHAs are the eligible applicants. PHAs that fall into any of the categories in section VII(B)(2) of this announcement are ineligible to have an application funded under this announcement. A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum number of vouchers the PHA is eligible to apply for under section II (B)(1) of this announcement; i.e., no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996, does not allow HUD to enter into new Housing Choice Voucher Program annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C.

1437e) regarding designated housing plans are not applicable to IHAs.

In some cases a PHA currently administering the housing choice voucher program has, at the time of publication of this SuperNOFA, been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or has major program management findings from Inspector General audits that are unresolved. HUD will not accept an application from such a PHA as a contract administrator if, on the application due date, the troubled designation under SEMAP has not been removed by HUD, or the findings are not resolved. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another contractor that is acceptable to HUD. The PHA's application must include an agreement by the other contractor to administer the new funding increment on behalf of the PHA, and (in the instance of a PHA with unresolved major program management findings) a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center. The PHA may appeal the decision, in writing, if HUD has mistakenly classified the PHA as having unresolved major program management findings. The PHA may not appeal its designation as a troubled PHA under SEMAP. Any appeal with respect to unresolved major program management findings must be accompanied by conclusive evidence of HUD's error (i.e., documentation showing that the finding has been cleared) and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of the PHA's written appeal and the Field Office's written response to the appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Only non-elderly disabled families that are income eligible under 24 CFR 982.201(b)(1) and who live in public housing that has been designated for occupancy by the elderly, or non-elderly disabled families who are on the PHA's public housing waiting list, may receive a voucher awarded in conjunction with an approved designated housing plan. Such families need not be listed on the PHA's housing choice voucher waiting list in order to be offered and receive a housing choice voucher. These families may be admitted to the housing choice voucher program as a special admission (24 CFR 982.203). Additional information on the eligibility requirements for a family or individual to receive a housing choice voucher are located at the following HUD Web site: **www.hud.gov/offices /pih/programs/hcv.**

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Examine the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); develop a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with the local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and (c) maintain records reflecting these analyses and actions;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Housing Choice Voucher Program Regulations.* PHAs must administer the housing choice vouchers received under this announcement in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program.

(2) *Housing Choice Voucher Admission Requirements.* Housing choice vouchers must be provided to eligible applicants in conformity with regulations and requirements governing the Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the non-elderly disabled family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another non-elderly disabled family eligible for assistance under this announcement for one year from the date the rental assistance is placed under an annual contributions contract (ACC). If there is ever an insufficient pool of non-elderly disabled families on the PHA's housing choice voucher waiting list, the PHA shall conduct outreach to encourage eligible non-elderly disabled families to apply for this special allocation of vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons who would benefit from housing choice voucher assistance. If the PHA's housing choice voucher waiting list is closed, and if the PHA has insufficient non-elderly disabled applicants on that waiting list to use all awarded vouchers under this announcement, the PHA should open the waiting list for applications from non-elderly disabled families. PHAs must take care to keep track of the number of non-elderly disabled vouchers they have been awarded versus the number of such vouchers actually issued to non-elderly disabled families.

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities.

(3) Not deny persons who qualify for a housing choice voucher under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide housing choice voucher search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

PHAs are encouraged to coordinate with/involve nonprofit disability organizations in meeting the requirements of sections 1, 2, 4 and 6 immediately above. PHAs are encouraged to seek out nonprofit disability organizations in this regard due to such organizations' capacity for assisting disabled families, and their in-depth knowledge of the disability community and the available resources to assist disabled persons.

(E) *Definitions.*

(1) *Designated Housing Plan.* A HUD-approved designated housing plan is required of PHAs seeking to designate a project/building (or portion thereof) for occupancy by elderly families only, or elderly and disabled families only. See section 10(a) of the Housing Opportunity Extension Act of 1996 (Pub. L. 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2001–17 (HA). Section 10(a) amended section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e).

(2) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(3) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

(4) *Person with disabilities.* Means a person who—

(a) Has a disability as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(c) Has a developmental disability as defined in 42 U.S.C. 6001;

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

(5) *Housing choice voucher search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

(F) *Homeownership and Family Self-Sufficiency (FSS).* Applicants are encouraged to establish or expand upon an existing housing choice voucher homeownership program, as well as complete the closing process on homeownership units. Applicants are also encouraged to fill slots under a mandatory FSS program and to establish a voluntary FSS program and fill slots thereunder where a mandatory FSS program is not required.

(G) *Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation.* HUD believes that grassroots organizations; *e.g.,* civic organizations, congregations, and other community-based and faith-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority is to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and other community-based organizations to participate in developing solutions for their own neighborhoods. PHAs are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

(H) *Conducting Business in Accordance With Core Values and Ethical Standards.* To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees and agents of its organization of the PHA's code of conduct.

V. Application Selection Process

After the Grants Management Center has screened PHA applications and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications (exclusive of the Designated Housing Plan portion of the application—which is reviewed by the Special Application Center) to ensure that they are technically adequate and responsive to the requirements of this announcement of funding availability.

The Special Application Center will send to the Grants Management Center the following information on each designated housing plan, or updated needs data in connection with a previously approved designated housing plan, submitted in conjunction with this announcement:

(1) A copy of the letter to the PHA approving or disapproving its designated housing plan, or updated needs data.

(2) Special Application Center contact person and telephone number.

HUD Headquarters will fund on a first-come, first-serve basis all

approvable applications from PHAs that are recommended for funding by the Grants Management Center and that the Special Application Center advises has an approved designated housing plan or acceptable updated needs data, based upon the date and time the application is received in the Grants Management Center. As PHAs are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available under this announcement, funds will be transferred from the approximately $20 million available under the announcement for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments, or certain Section 202, Section 221(d)(3) or Section 236 developments, to the extent funds are not needed for approvable applications under that announcement. Applications will be funded for the total number of units requested by the PHA and approved by the Grants Management Center in accordance with this funding announcement for support of Designated Housing Plans. When remaining budget authority is insufficient to fund the last selected PHA application in full, however, HUD Headquarters will fund that application to the extent of the funding available, unless the PHA's application indicates that the PHA will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Housing Choice Voucher Program, (dated January 1996). This form includes all the necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. PHAs are requested to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address in the same place at the top of the form where they are also to enter the PHA's name and mailing address. The information entered in Section B of the form for bedroom size and number of requested units must bear a direct relationship to the bedroom size and number of units designated in the PHA's designated housing plan that will no longer be available for the future admission of non-elderly disabled families. Section C of the form should be left blank. The form must be completed in its entirety, with the exception of Section C, signed and dated. A copy of Form HUD–52515 is included in the forms found in the *General Section* of the SuperNOFA. Copies of the form may also be downloaded from the following HUD Web site: *www.hud.gov.* (On the HUD Web site click on ''handbooks and forms,'' then click on ''forms,'' then click on ''HUD–5'' and click on ''HUD–52515.'' In addition, the Form HUD–52515 will also be posted with the Designated Housing funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.*

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers that the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

PHAs that do not currently administer a housing choice voucher program must identify the nearest PHA (including the full name, address, and tel. no.) that does administer a housing choice voucher program. This information will be necessary for HUD to calculate annual per unit costs for voucher funding awarded under this funding announcement to such PHAs (see section II (B)(2)(c) of this funding announcement).

(C) *Approvable Designated Housing Plan.* The application must include an approvable plan to designate housing in accordance with section 10(a) of the Housing Opportunities Extension Act of 1996 (Pub.L 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 2001–17 (HA), dated May 16, 2001.

PHAs should also bear in mind that the HUD regulations require PHAs to submit an Annual Plan which must provide a statement regarding any public housing project (or portion thereof) which the PHA plans to designate as elderly only or mixed elderly and disabled {see 24 CFR 903.7 (1)(ii)}. Only those PHAs which are designated by HUD as high performing PHAs, or are small PHAs (less than 250 public housing units) that are not designated as troubled, are excluded from the requirement to address the designation of elderly and disabled public housing units in the Annual Plan. The Special Application Center will not process a designated housing plan if the PHA's intent to designate is not covered in its Annual Plan.

(D) *Designated Housing Plan Previously Approved.* Any PHA wishing to rely on a designated housing plan previously approved by HUD, that did not require housing choice vouchers or certificates for non-elderly disabled families or that now requires more vouchers than previously justified, will be required to submit the information called for in sections (A) and (B) immediately above, a copy of the previously HUD-approved designated housing plan, and updated needs data supporting the need now for vouchers not previously deemed necessary as an alternative housing resource. The updated needs data should indicate why the PHA does not have the appropriate resources to carry out the previously approved plan, identify the number of vouchers needed for non-elderly disabled families, and address the housing needs in its Consolidated Plan. While updated needs data is not considered an amendment or revision of a previously approved designated housing plan, the updated needs data must be submitted to the Special Application Center for review. The deadline date and submission requirements for updated needs data are the same as for the designated housing plan (see section I of this announcement).

Conversely, any PHA wishing to rely on a designated housing plan previously approved by HUD, contingent upon the PHA's future submission of an application for housing choice vouchers as an alternative housing resource for non-elderly disabled families, will need to only submit the HUD-approval letter for the designated housing plan in lieu of the plan itself (updated needs data also unnecessary).

(E) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement must include, but not necessarily be limited to:

(1) The examination of the PHA's own programs or proposed programs, including an identification of any impediments to fair housing (identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice in its Consolidated Plan); and a description of a plan to (a) address those impediments in a reasonable fashion in view of the resources available; (b) work with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing; and

(c) the maintenance of records reflecting these analyses and actions;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

The PHA's statement must fully address the above areas. A general statement that the PHA will promote fair housing choice by reason of not discriminating on the basis of race, color, religion, etc. will not be sufficient.

(F) *Moving to Work (MTW) PHA Information and Certification.* See section VII (B)(2)(c) regarding the 97 percent lease-up or budget authority utilization certification to be submitted by an MTW PHA not required to report under SEMAP.

(G) *Form HUD–2993.* All PHAs must complete and submit form HUD–2993, Acknowledgement of Application Receipt. In addition to the PHA entering its name and address on the form, the full title of the program under which the PHA is seeking funding must also be entered. This form is located in the **General Section** of the SuperNOFA and is also available at the following HUD Web site: *www.hud.gov.* On this Web site click on ''handbooks and forms.''

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The application must include all of the information specified in section VI, Application Submission Requirements. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all PHA applications that the Grants Management Center determines are not acceptable for processing. The Grants Management Center's notification of rejection letter must state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not longer than 120 days, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. Applicants requesting to be debriefed must send a written request to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024.

(2) Applications from PHAs that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of the **General Section** of the SuperNOFA.

(b) The PHA is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher or certificate programs that are unresolved. The only exception to this category is if the PHA has been identified under the policy established in Section III (B) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up or budget authority utilization rate of 97 percent for its combined certificate and voucher units under contract for its fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. PHAs that have been determined by HUD to have passed either the 97 percent lease-up, or 97 percent budget authority utilization requirement for their fiscal year ending on either September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, will be listed with this funding announcement at the following HUD Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* A PHA not listed may submit monthly lease-up and budget authority utilization information (following the methodology of Appendix A of this announcement and using the format in Appendix B which also includes a blank version of the format) as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD website as having achieved either a 97 percent lease-up rate or 97 percent budget authority utilization rate for fiscal years ending on either September 30, 2000; December 31, 2000; March 31, 2001; June 30, 2001; or subsequent full fiscal year not yet processed by HUD but certified by the applicant. Unless utilization information is submitted on the blank form in Appendix B, the application will otherwise be determined ineligible for funding under this announcement.

Note: The lease-up and budget authority utilization requirement shall not apply to applicants not currently administering a voucher program, or to new units associated with funding increments obligated during the applicant's last fiscal year and units obligated for litigation. In addition, lease-up or budget authority utilization rates of 96.5 percent but less than 97 percent shall be rounded up to 97 percent.)

Moving To Work (MTW) agencies that are required to report under the Section 8 Management Assessment Program (SEMAP) shall be held to the 97 percent lease-up and budget authority utilization requirements referenced above. MTW agencies which are not required to report under SEMAP must submit a certification with their application certifying that they are not required to report under SEMAP, and that they meet the 97 percent lease-up or budget authority utilization requirements.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(i) The PHA did not have its PHA plans approved by HUD for the FY 2000 plan cycle on the application due date for this funding announcement.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs are responsible for the environmental requirements in 24 CFR 982.626(c).

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and

Independent Agencies Appropriations Act, FY 2002 (Pub. L. 107–73, approved November 26, 2001). This FY 2002 Appropriations Act authorized appropriations for housing choice vouchers to assist non-elderly disabled families affected by the designation of a public housing development under section 7 of the United States Housing Act of 1937, as amended. The FY 2002 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act (HCDA) of 1992 or the restriction of occupancy to elderly families in accordance with section 658 of the HCDA of 1992. Thereafter, the FY 2002 Appropriations Act allows for any funds still remaining unobligated to be used to fund applications for vouchers for non-elderly disabled families under the Mainstream Program in the SuperNOFA.

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APPENDIX A
METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 97% budget authority utilization or 97% lease-up criteria. The data used in the determination was based on PHA fiscal years ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA year ending September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001, for the PHA's combined certificate and voucher program. Annual budget authority associated with new funding increments obligated during the last PHA fiscal year and annual budget authority for litigation were excluded.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA year for each funding increment which had an active contract term during all or a portion of the PHA year. ABA is adjusted for new funding increments obligated during the last PHA fiscal year and for litigation funding increments.

EXAMPLE:
PHA ABC
Fiscal year 10/1/99 through 9/30/00
HUD 52681 Approved Data:

HAP	$2,150,000
Administrative Fee	$ 215,000
Hard to House Fee	$ 1,000

Audit	$ 2,000
Total	$2,368,000
Program receipts other than Annual Contributions	($2,500)

Total contributions required **$2,365,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/99 -10/31/00	$1,300,000	$1,191,667
002	01/01/00-12/31/00	$1,200,000	$ 900,000
003	04/01/00-03/31/01	$ 950,000	$ 475,000
004	07/01/00-06/30/01	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**
ABA associated with litigation			($475,000)
Total ABA			($2,466,667)

Budget Authority Utilization

Total contributions required divided by	**$2,365,500**
Annual budget authority equals	**$2,466,667**
Budget Authority Utilization	**95.9%**

Lease-up Rate

The lease-up rate was determined by comparing the reserved units (funding increments active as of the end of the PHA year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for September 30, 2000; December 31, 2000; March 31, 2001; or June 30, 2001.

Units associated with new funding increments obligated during the last PHA fiscal year and units obligated for litigation were excluded from the reserved units.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/99-10/31/00	242
002	01/01/00-12/31/00	224
003	04/01/00-03/31/01	178

004	07/01/00-06/30/01	280
Totals		924
Increment 003 litigation		(178)
Adjusted contract units	**746**	

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.5%**

APPENDIX B

Example

Main Street HA 12/31/01 Year End January 1, 2001 through December 31, 2001
ACC units applicable: 653 (Litigation and new units obligated during the fiscal year are excluded)

Month	Total HAP	UMLs	Admin Fee	HH Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
January	$291,874	623	$29,119	$0	$320,993	$320,993	$295,650
February	$211,945	620	$30,058	$1,125	$243,128	$564,121	$295,650
March	$234,521	618	$29,961	$450	$264,932	$829,053	$295,650
April	$226,489	620	$30,058	$750	$257,297	$1,086,350	$295,650
May	$240,414	616	$29,864	$675	$270,953	$1,357,303	$295,650
June	$245,600	614	$29,767	$825	$276,192	$1,633,495	$295,650
July	$251,300	615	$29,815	$675	$281,790	$1,915,285	$309,103
August	$265,304	611	$29,621	$900	$295,825	$2,211,110	$309,103
September	$285,504	610	$29,573	$375	$315,452	$2,526,562	$309,103
October	$298,503	612	$29,670	$525	$328,698	$2,855,260	$309,103
November	$325,008	628	$30,445	$300	$355,753	$3,211,013	$309,103
December	$355,006	640	$31,027	$225	$386,258	$3,597,271	$309,105
Totals	**$3,231,468**	**7,427**	**$358,978**	**$6,825**		**$3,597,271**	**$3,628,520**

Leaseup Rate: **94.78% (UMLs/ACC units)**
ABA Utilization **99.14% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

HA Name and fiscal year end:

ACC Units applicable in fiscal year: _____

Month	Total HAP	UMLs	Admin Fee	Hard to House Fee	Requirements	Cumulative Total	Annual Budget Authority (ABA)
Totals							

Leaseup Rate: **0.00% (UMLs/ACC units)**

ABA Utilization: **0.00% (Requirements/ABA)**

Certification:

_____

Executive Director

_____

Section 8 Program Administrator

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SERVICE COORDINATORS IN MULTIFAMILY HOUSING

PROGRAM OVERVIEW

Purpose of the Program. The purpose of this Service Coordinator program is to allow multifamily housing owners to assist elderly individuals and people with disabilities living in HUD-assisted housing and in the surrounding area to obtain needed supportive services from the community, in order to enable them to continue living as independently as possible in their own homes.

Available Funds. Approximately $25 million.

Eligible Applicants. Only owners of eligible developments may apply for and become the recipient of grant funds. Property management companies may administer grant programs but are not eligible applicants. See Section III for more detailed eligibility criteria.

Application Deadline: July 3, 2002.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time, on July 3, 2002 at the address given below.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (*e.g.,* mailing applications by U.S. Postal Service). Only Service Coordinator applications mailed via the United States Postal Service will be accepted.

Addresses for Submitting Applications. Appendix A to this program section contains a list of HUD Field Offices where you must send your application by the deadline. Please address your application to the Director, Multifamily Housing Hub or Program Center in your local HUD Field Office. You should not submit any copies of your application to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Multifamily Housing Service Coordinator Program and provide your name, address (including zip code) and telephone number (including area code). An application kit also will be available on the Internet at *http://www.hud.gov.*

For Further Information and Technical Assistance. You may contact your local HUD Field Office staff for questions you have regarding this program section of the SuperNOFA and your application kit. Please contact the Multifamily Housing Resident Initiatives Specialist or Service Coordinator contact person in your local Office. If you are an owner of a Section 515 development, contact the Multifamily HUB or Multifamily Program Center in the HUD Field Office that normally provides asset management to that development. If you have a question that the Field staff are unable to answer, please call Carissa Janis, Housing Project Manager, Office of Housing Assistance and Grants Administration, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6146, Washington, DC 20410; (202) 708–2866, extension 2487. (This number is not toll free). If you are hearing or speech impaired, you may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov.*

II. Amount Allocated

(A) *Available Funding.* This NOFA makes available approximately $25 million in Fiscal Year (FY) 2002 funding from the $50 million provided in the Housing for Special Populations account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73, approved November 26, 2001).

HUD will use the remaining $25 million appropriated this year to provide one-year extensions to expiring Service Coordinator and Congregate Housing Services Program (CHSP) grants.

HUD will first fund Service Coordinator costs in applications selected to receive an Assisted Living Conversion Program (ALCP) grant award. The Department estimates that approximately $2 million will be needed to fund these programs. The actual amount will be based upon demand and the number of applications that meet threshold criteria in both the ALCP and Service Coordinator programs. HUD will set-aside the requested amount of ALCP/Service Coordinator funds prior to conducting the national lottery. Any funds not used for ALCP Service Coordinator programs will revert to the lottery to fund all other eligible applications submitted under this NOFA.

In FY 2001, HUD awarded 218 grants for a total of $25,125,340. One of the 218 grants was awarded to an ALCP grant recipient, for $70,431.

(B) *Maximum Grant Award.* There is no maximum grant amount. The grant amount you request must be based on the number of frail or at-risk elderly or non-elderly people with disabilities who live in your development. Under normal circumstances, a full-time Service Coordinator should be able to serve about 50–60 frail or at-risk elderly or non-elderly people with disabilities. ''Frail elderly'' person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. An ''at-risk elderly'' person is an individual 62 years of age or older who is unable to perform one or two ADLs. Your proposed salary must also be supported by evidence of comparable salaries in your area.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of your proposed action plan are ineligible for funding;

(2) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(3) HUD determines that a reduced grant would prevent duplicative Federal funding.

(D) *Alternative Funding for Service Coordinators.* Owners may submit requests following instructions in Housing's Management Agent Handbook 4381.5, REVISION–2, CHANGE–2, Chapter 8. This Handbook provides procedures for requesting funding for a coordinator using residual receipts, the budget-based rent increase process, contract rents adjusted by the Annual Adjustment Factor (AAF) or the Project Rental Assistance Contract (PRAC). Refer to Housing Notice H–01–07 for information on using Section 236 excess income to fund a Service Coordinator. HUD Field staff will approve use of Section 8 funds or excess income consistent with current policy.

Field Office staff may approve use of project funds for a Service Coordinator at any time, as long as you have available project funds. You should discuss these alternative funding options with your Field Office staff prior to submitting a grant application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Service Coordinator Program provides funding for the employment and support of Service Coordinators in insured and assisted housing developments that were designed for the elderly and persons with disabilities and continue to operate as such. Service Coordinators help residents obtain supportive services from the community that are needed to enable independent living and aging in place.

A Service Coordinator is a social service staff person hired or contracted by the development's owner or management company. The Coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. All services should meet the specific desires and needs of the residents themselves. The Service Coordinator may not require any elderly individual or person with a disability to accept any specific supportive service(s).

You may want to review the Management Agent Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8 for further guidance on service coordinators. This Handbook is accessible through HUDCLIPS on HUD's Web site at *http://www.hudclips.org.* The Handbook is in the Handbooks and Notices—Housing Notices database. Enter the Handbook number in the ''Document Number'' field to retrieve the Handbook.

There is no minimum unit number for eligible developments. In proposing a Service Coordinator program at a small development, however, be careful to follow the guidance provided in Section II.B of this NOFA. You may also use grant funds to augment current Service Coordinator programs and to continue programs in cases where current or previous funding sources are no longer available. Please refer to Sections III.D and E, below.

The American Homeownership and Economic Opportunity Act of 2000 (Pub.L. 106–569, approved December 27, 2000) expanded the scope of the Service Coordinator program. This Act allows owners of eligible developments to provide service coordination to low-income elderly or disabled families living in the vicinity of the development. You have the option to serve such community residents as a part of your proposed program to provide coordination to current residents of an eligible development. The objective of this expanded authority is to help additional low-income elderly and disabled individuals age in place and live as independently as possible in their current homes. Any reference in this program NOFA or in the application kit to elderly or disabled residents of a development shall be construed to include low-income elderly or disabled families living in the vicinity of such a development.

(B) *Eligible Applicants and Developments.*

To be eligible for funding, you must meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(1) You must be an owner of a development assisted under one of the following programs:

(a) Section 202 and 202/8;

(b) Existing Section 8 project-based and moderate rehabilitation developments (includes any multifamily housing development with project-based Section 8; or

(c) Section 221(d)(3) below-market interest rate, and 236 developments that are insured or assisted.

(2) Additionally, developments listed in paragraph (1), above, are eligible only if they meet the following criteria:

(a) Have frail or at-risk elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(b) Were designed for the elderly or persons with disabilities and continue to operate as such. This includes any building within a mixed-use development that was designed for occupancy by elderly persons or persons with disabilities at its inception and continues to operate as such, or consistent with title VI, subtitle D of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992). If not so designed, a development in which the owner gives preferences in tenant selection (with HUD approval) to eligible elderly persons or persons with disabilities, for all units in that development.

(c) Are current in mortgage payments or are current under a workout agreement.

(d) Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better or by an approved plan for developments scoring less than 60.

(e) Are in compliance with their regulatory agreement, Housing Assistance Payment (HAP) Contract, and other outstanding directives.

(f) Owners using the AAF rent increase process or who are profit-motivated must provide certification that rental and other income from the development are insufficient to pay for a service coordinator.

(3) If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (e.g. due to prepayment of mortgage, sale of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD has the right to terminate your grant.

(4) If you are applying for an Assisted Living Conversion Program (ALCP) grant, you may apply for new or augmented Service Coordinator costs to serve Assisted Living residents and/or all residents of your development.

(C) *Ineligible Applicants and Developments.*

(1) Property management companies, area agencies on aging, and other like organizations are not eligible applicants for Service Coordinator funds. Such agents may prepare applications and sign application documents if they provide written authorization from the owner corporation as part of the application. In such cases, the owner corporation *must* be indicated on all forms and documents as the funding recipient.

(2) Developments not designed for the elderly or disabled or those no longer operating as such.

(3) Section 221(d)(4) developments without project-based Section 8 assistance.

(4) Section 202/811 developments with a PRAC. Owners of Section 202 PRAC developments may obtain funding by requesting an increase in their PRAC payment consistent with Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8.

The American Homeownership and Economic Opportunity Act of 2000 provides authority for Section 202 PRACs to receive Service Coordinator grants as described in this program NOFA and separate from their PRAC funding. However, PRAC funds are a readily accessible funding source for Service Coordinators in Section 202 PRAC developments. Including the Service Coordinator in the PRAC development's operating budget also provides a more stable and permanent source of funding. For these reasons, the

Department has chosen to limit funding available through this program NOFA to those eligible housing developments listed in section III.B(1) of this NOFA.

There is no statutory authority for service coordinators in Section 811 developments.

(D) *Eligible Activities.*

(1) Service Coordinator Program grant funds may be used to pay for the salary, fringe benefits, and related administrative costs of employing a service coordinator. Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, computer hardware and software, Internet service, training, quality assurance, travel, and utilities.

You may use grant funds to pay for Quality Assurance (QA) in an amount that does not exceed 10% of the Service Coordinator's salary. QA is limited monitoring oversight of the Service Coordinator by a qualified third party, to assure that the position is effectively implemented. A qualified individual must have supervisory work experience and education in social or health care services. On-site housing management staff cannot perform QA and current salaries of in-house staff may not be augmented for this purpose.

(2) You may use funds to augment a current Service Coordinator program, by increasing the hours of a currently employed Service Coordinator, or hiring an additional Service Coordinator or aide on a part- or full-time basis.

(3) You may use funds to continue a Service Coordinator program that has previously been funded through other sources. In your application, you must provide evidence that this funding source has already ended or will discontinue within six months following the application deadline date and that no other funding mechanism is available to continue the program. This applies only to funding sources other than the subsidy awards and grants provided by the Department through program Notices beginning in FY 1992. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

(4) You may propose reasonable costs associated with setting up a confidential office space for the Service Coordinator. Such expenses must be one-time only administrative start-up costs. Such costs may involve acquisition, leasing, rehabilitation, or conversion of space. HUD Field Office staff must approve both the proposed costs and activity and must perform an environmental assessment on such proposed work prior to grant award.

(5) You may provide service coordination to low-income elderly or disabled families living in the vicinity of an eligible development. Community residents should come to your housing development to meet with and receive service from the Service Coordinator.

(E) *Ineligible Activities.*

(1) You may not use funds available through this NOFA to replace currently available funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions.

(2) Owners with existing service coordinator subsidy awards or grants may not apply for renewal or extension of those programs under this NOFA.

(3) Congregate Housing Services Program (CHSP) grantees may not use these funds to meet statutory program match requirements and may not use these funds to replace current CHSP program funds to continue the employment of a service coordinator.

(4) The cost of application preparation is not eligible.

(5) Grant funds cannot be used to increase a project's management fee.

(6) You cannot hire an additional part of full-time Service Coordinator for the sole purpose of serving low-income elderly or disabled families who live in the vicinity of your development.

IV. Program Requirements

In addition to the requirements listed in Section II of the **General Section** of this SuperNOFA, you must also meet the requirements in Section IV of this program section of the SuperNOFA. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

(A) *Administrative Costs.* HUD has the right to reduce the proposed costs if they appear unreasonable or inappropriate.

(B) *Term of Funded Activities.* The grant term is three years. Grants will be renewable subject to the availability of funds.

(C) *Subgrants and Subcontracting.* You may directly hire a Service Coordinator or you may contract with a qualified third party to provide this service.

(D) As a condition of receiving a grant, Section 202 developments with project-based Section 8 must open a Residual Receipts account separate from the Reserve for Replacement account, if they do not already have such a separate account.

(E) *Forms, Certifications, and Assurances.* See the **General Section** of the SuperNOFA for the applicable forms, certifications, and assurances that you must submit. This includes a certification that you are in compliance with Federal Civil Rights laws, as specified in Section II(H) of the **General Section** of this SuperNOFA.

(F) *Affirmatively Furthering Fair Housing.* You must comply with Section II(D) of the **General Section** of this SuperNOFA.

(G) *Conducting Business In Accordance With Core Values and Ethical Standards.* Entities that are subject to 24 CFR parts 84 and 85 (most nonprofit organizations and State, local and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (See §§ 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value, and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under this SuperNOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct.

V. Application Selection Process

(A) *General.* Service Coordinator Program grant funds will not be awarded through a rating and ranking process. Instead, HUD will hold one national lottery for all approvable applications forwarded from Multifamily HUB and Multifamily Program Centers (a list of these offices is found in the Appendix to this notice).

(B) *Threshold Eligibility Review.* HUD Multifamily Field Office staff will review applications for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Field Office staff will forward application information to Headquarters for entry into the lottery if the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections by the designated deadline date.

''Reasonable costs'' are generally those that are consistent with salaries and administrative costs of similar

programs in the jurisdiction of the HUD Field Office.

(C) *Service Coordinators in ALCP projects.* The Department will first fund approved Service Coordinator requests in ALCP applications selected to receive an ALCP award. HUD estimates that approximately $2 million will be needed to fund these programs. Any funds not used for ALCP Service Coordinator programs will revert to the national lottery.

(D) *The Lottery.* HUD staff will use a computer program to randomly select applications. HUD will fully fund as many applications as possible with the given amount of funds. If funds remain after fully funding as many applications as possible, HUD will offer to partially fund the next application chosen in the lottery, in order to use the entire allocation of funds.

VI. Application Submission Requirements

(A) *Single Applications.* (1) You may submit one application for one or more developments that your corporation owns.

(2) You may submit more than one application to a single Field Office, if you wish to increase your chances of selection in the lottery. Each application must propose a stand-alone program and the development(s) must all be located in the same Field Office jurisdiction.

(3) If you wish to apply on behalf of developments located in different Field Office jurisdictions, you must submit a separate application to each Field Office.

(B) *Joint Applications.* You may join with one or more other eligible owners to share a Service Coordinator and submit a joint application. In the past, joint applications have been used by small developments who joined together to hire and share a part or full-time Service Coordinator.

(C) *There is no maximum grant amount.* The grant amount you request must be based on the number of frail or at-risk elderly or non-elderly people with disabilities who live in your development. (See Section II.B of this NOFA for more information.)

(D) *Application Submission Requirements for ALCP Applicants.* If you are an ALCP applicant and you request new or additional Service Coordinator costs specifically for your proposed Assisted Living Program, you must submit an application containing all required documents and information listed in this NOFA. In addition, you must submit a HUD–424–M ''Federal Assistance Funding Matrix and Certifications'' with your ALCP application, which indicates the amount of funds you are requesting to cover Service Coordinator costs. HUD Field Office staff will review both applications simultaneously.

ALCP applicants must submit all the required items in the Service Coordinator application listed in Section VI(E) of this NOFA. You may provide a copy of all standard forms in your Service Coordinator application. If you do not provide either an original or copy of these forms, your Service Coordinator application will be incomplete.

If you currently do not have a Service Coordinator working at the development proposed in your ALCP application and your ALCP application is selected to receive an ALCP award, HUD will fund a Service Coordinator to serve either ALCP residents only or all residents of the development dependent upon your request. If your development currently has a Service Coordinator, you may request additional hours for the Service Coordinator to serve the Assisted Living residents. If you request additional hours, you must specify the number of additional hours per week and provide an explanation based on the anticipated needs of the Assisted Living residents. Provide this explanation in your ALCP application as instructed in the ALCP NOFA.

If you request Service Coordinator funding to serve all residents of your development, your request can be entered into the national lottery if your ALCP application is not selected to receive an award. You will be able to indicate this request in the application materials.

Owners applying for ALCP grants may also submit separate Service Coordinator applications for entry into the lottery for other eligible developments they own and that are not included in their ALCP application.

(E) *Your application must contain the items listed in this Section VI(E).* These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Standard Forms

(1) Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);

(2) Federal Assistance Funding Matrix and Certifications (HUD–424M);

(3) Standard Form for Assurances—Non-Construction Programs (SF–424B);

(4) Drug Free Workplace Certification (HUD–50070);

(5) Certification of Payments to Influence Federal Transactions (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL);

(6) Applicant/Recipient Disclosure/Update Report Form (HUD–2880);

(7) Certification Regarding Debarment and Suspension (HUD–2992); and

(8) Acknowledgment of Application Receipt (HUD–2993).

Other Application Items

All applications for funding under the Service Coordinator Program must contain the following documents and information:

(1) Transmittal letter and request, using the designated format provided in both Appendix B to this NOFA and in the application kit.

(2) (If applicable) Lead agency letter format.

(3) Evidence of comparable salaries in local area.

(4) If quality assurance is included in the proposed budget, a justification and explanation of who will perform this work, what responsibilities are involved, and how often the work will be done.

(5) If you propose to serve low-income elderly or disabled families living in the vicinity of the development(s) included in your application, a narrative description of your plan.

(6) (If applicable) Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire within six months following the application deadline date.

(7) A bank statement showing the current residual receipts or excess income balance in the development's account.

(8) *Service Coordinator Certifications.* This includes certifications that you, the applicant, will comply with the following:

(a) The requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and that you will affirmatively further fair housing; and

(b) The nondiscrimination in employment requirements of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*), the Equal Pay Act (29 U.S.C. 206(d)), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*), Title IX of the Education Amendments Act of 1972, and Titles I and V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

(9)(a) Certification from an Independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by HUD regulations at 24 CFR parts 84 and 85.

(b) Owners applying on behalf of developments using the AAF must also provide certification from the auditor that the development's rental or other income is insufficient to pay the costs of employing a Service Coordinator.

(10) Applicant checklist.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this program are categorically excluded from NEPA and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempted from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

IX. Authority

Section 808 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 674, 676, and 677 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), and section 851 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000).

Appendix A: HUD Field Office List for Mailing Service Coordinator

Applications

Alabama

Multifamily Housing Program Center, HUD—Birmingham Office, 600 Beacon Parkway West, Rm. 300, Birmingham, AL 35209–3144, OFC Phone: (205) 290–7611, FAX: (205) 290–7632

Alaska

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Arizona

Multifamily Housing Program Center, HUD Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC Phone: (602) 379–4434, FAX: (602) 379–3985

Arkansas

Multifamily Housing Program Center, HUD Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC Phone: (501) 324–5401, FAX: (501) 324–6142

California

Multifamily Housing Hub, HUD—San Francisco Office, 450 Golden Gate Avenue, PO Box 36003, San Francisco, CA 94102–3448, OFC Phone: (415) 436–6505, FAX: (415) 436–8996

Los Angeles Multifamily Hub, 611 West Sixth Street, Suite 800, Los Angeles, CA 90017, OFC Phone: (213) 894–8000 x 3634, Fax: (213) 894–8255

Colorado

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 11th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Connecticut

Multifamily Housing Program Center, HUD—Hartford Office, One Corporate Center, 19th floor, Hartford, CT 06103–3220, OFC Phone: (860) 240–4800 Ext. 3068, FAX: (860) 240–4850

Delaware

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

District of Columbia

Multifamily Housing Program Center, HUD Washington, DC Office, Suite 300, 820 First Street, NE., Washington, DC 20022–4205, OFC Phone: (202) 275–9200, FAX: (202) 275–9212

Florida

Multifamily Housing Hub, HUD—Jacksonville Office, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC Phone: (904) 232–1777 x2144, FAX: (904) 232–2731

Georgia

Multifamily Housing Hub, HUD—Atlanta Office, Five Points Plaza Building, 40 Marietta Street, SW., Atlanta, Georgia 30303–2806, OFC Phone: (404) 331–4976, FAX: (404) 331–4028

Hawaii

Multifamily Housing Program Center, HUD Honolulu Office, 7 Waterfront Plaza, 500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC Phone: (808) 522–8185 Ext. 244, FAX: (808) 522–8194

Idaho

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Illinois

Multifamily Housing Hub, HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC Phone: (312) 353–6236 Ext. 2202, FAX: (312) 886–2729

Indiana

Multifamily Housing Program Center, HUD Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC Phone: (317) 226–6303, FAX: (317) 226–7308

Iowa

Multifamily Housing Program Center, HUD Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC Phone: (515) 284–4736, FAX: (515) 284–4743

Kansas

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Kentucky

Multifamily Housing Program Center, HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC Phone: (502) 582–6124, FAX: (502) 582–6547

Louisiana

Multifamily Housing Program Center, HUD New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC Phone: (504) 589–7236, FAX: (504) 589–6834

Maine

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Maryland

Multifamily Housing Hub, HUD Baltimore Office, 5th Floor, 10 South Howard Street, Baltimore, MD 21201–2505, OFC Phone: (410) 962–2520 Ext. 3474, FAX: (410) 962–1849

Massachusetts

Multifamily Housing Hub, HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC Phone: (617) 565–5162, FAX: (617) 565–6557

Michigan

Multifamily Housing Hub, HUD Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC Phone: (313) 226–7900, FAX: (313) 226–5611

Multifamily Housing Program Center, HUD Grand Rapids, Trade Center Building, 50 Louis Street, NW., Grand Rapids, MI

49503–2648, OFC Phone: (616) 456–2100, FAX: (616) 456–2191

Minnesota

Multifamily Housing Hub, HUD Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, OFC Phone: (612) 370–3051 Ext. 0, FAX: (612) 370–3090

Mississippi

Multifamily Housing Program Center, HUD Jackson Office—McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC Phone: (601) 965–4738, FAX: (601) 965–4773

Missouri

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

Multifamily Housing Program Center, HUD St. Louis Office, Robert A. Young Federal Building, 1222 Spruce Street—Third Floor, St. Louis, MO 63103–2836, OFC Phone: (314) 539–6382, FAX: (314) 539–6356

Montana

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Nebraska

Multifamily Housing Program Center, HUD Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC Phone: (402) 492–3113, FAX: (402) 492–3184

Nevada

Multifamily Housing Program Center, HUD Las Vegas Office, 333 N. Rancho Drive—Atrium Bldg. Suite 700, Las Vegas, NV 89106–3714, OFC Phone: (702) 388–6525, FAX: (702) 388–6244

New Hampshire

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

New Jersey

Multifamily Housing Program Center, HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC Phone: (973) 622–7900 Ext. 3400, FAX: (973) 645–2271

New Mexico

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

New York

Multifamily Housing Hub, HUD—New York Office, 26 Federal Plaza—Room 3214, New York, NY 10278–0068, OFC Phone: (212) 264–0777 Ext. 3713, FAX: (212) 264–1277

Multifamily Housing Hub, HUD—Buffalo Office, Lafayette Court, 5th Floor 465 Main Street, Buffalo, NY 14203–1780, OFC Phone: (716) 551–5755 Ext. 5509, FAX: (716) 551–3252

North Carolina

Multifamily Housing Hub, HUD Greensboro Office—Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407, OFC Phone: (336) 547–4034, FAX: (336) 547–4121

North Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Ohio

Multifamily Housing Hub, HUD Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC Phone: (614) 469–5737, Ext. 8111, FAX: (614) 469–2432

Multifamily Housing Program Center, HUD Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, OFC Phone: (513) 684–2350, FAX: (513) 684–6224

Multifamily Housing Program Center, HUD Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC Phone: (216) 522–4058 Ext. 7000, FAX: (216) 522–4067

Oklahoma

Multifamily Housing Program Center, HUD Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC Phone: (405) 553–7410, FAX: (405) 553–7406

Oregon

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

Pennsylvania

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

Multifamily Housing Program Center, HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC Phone: (412) 644–6639, FAX: (412) 644–5872

Puerto Rico

Multifamily Housing Program Center, HUD Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC Phone: (787) 766–5401, FAX: (787) 766–5522

Rhode Island

Multifamily Housing Program Center, HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC Phone: (401) 528–5230, FAX: (401) 528–5097

South Carolina

Multifamily Housing Program Center, HUD Columbia Office, 1835 Assembly Street, Columbia, SC 29201–2480, OFC Phone: (803) 765–5162, FAX: (803) 253–3043

South Dakota

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Tennessee

Multifamily Housing Program Center, HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC Phone: (423) 545–4411, FAX: (423) 545–4578

Multifamily Housing Program Center, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC Phone: (615) 736–5748, FAX: (615) 736–2018

Texas

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

Multifamily Housing Program Center, HUD Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC Phone: (713) 313–2274 Ext. 7015, FAX: (713) 313–2319

Multifamily Housing Program Center, HUD San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC Phone: (210) 475–6831, FAX: (210) 472–6897

Utah

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Vermont

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

Virginia

Multifamily Housing Hub, HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC Phone: (804) 278–4500 Ext. 3146, FAX: (804) 278–4613

Washington

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–0AHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

West Virginia

Multifamily Housing Program Center, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC Phone: (304) 347–7000 Ext. 103, FAX: (304) 347–7050

Wisconsin

Multifamily Housing Program Center, HUD Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC Phone: (414) 297–3214 Ext. 8662, FAX: (414) 297–3204

Wyoming

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

Appendix B

The non-standard forms required for the Service Coordinators in Multifamily Housing application follow:

1. Applicant Checklist (Non-ALCP Applicants)

2. Sample Request Letter Format
3. Service Coordinator Certifications
4. Transmittal Letter Format for Designated Lead Agency
5. ALCP Applicant Checklist and ALCP Applicants' Form

BILLING CODE 4210–32–P

APPLICANT CHECKLIST (Non-ALCP Applicants)

Use this checklist to review your package and insure that all materials are properly completed and included. Submit a copy of this form with your request to HUD.

_____ (1)	Request Letter
_____ (2)	Lead agency letter format (if appropriate)
_____ (3)	Evidence of comparable salaries in local area.
_____ (4)	If quality assurance is included in the proposed budget, a justification and explanation of how this work will be performed.
_____ (5)	*(If applicable)* A narrative description of your proposed plan to serve low-income elderly or disabled families living in the vicinity of the development(s).included in your application, of your plan.
_____ (6)	*(If applicable)* Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire on or before January 3, 2003.
_____ (7)	A bank statement with the development's current residual receipts or excess income balance.
_____ (8)	Service Coordinator Certifications
_____ (9)(a)	A certification from an independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by the pertinent OMB circular.
_____(9)(b)	In the case of developments using the AAF or that are profit-motivated, the certification states that the development does not have sufficient funds from rental/other income to fund the Service Coordinator.
_____ (10)	Standard Form for Application for Federal Assistance (SF-424)
_____ (11)	Federal Assistance Funding Matrix and Certifications (HUD-424M)
_____ (12)	Standard Form for Assurances - Non-Construction Programs (SF-424B)

Attachment 1

_____ (13) Drug Free Workplace Certification (HUD-50070)

_____ (14) Certification of Payments to Influence Federal Transactions (HUD-50071)

_____ (15) Disclosure Form Regarding Lobbying (SF-LLL)

_____ (16) Applicant/Recipient Disclosure/Update Report Form (HUD-2880)

_____ (17) Certification Regarding Debarment and Suspension (HUD-2992)

_____ (18) Acknowledgment of Application Receipt (HUD-2993)

Attachment 2

REQUEST LETTER FORMAT

Use the format shown below to request Service Coordinator grant funds. Write this letter on your organization's letterhead. If you submit a joint application with another owner, you both must submit a separate letter.

Dear _____ _____
Director, Multifamily Hub/Program Center Date

The following is my request for a three-year Service Coordinator grant. I am requesting a total grant amount of $_____.

Owner name and address: _____

_____

DEVELOPMENT INFORMATION (Include relevant information for each development in your application.)

1. Development name and address:

_____

_____

2. _____ _____ _____
Project Number Section 8 Number Development's Cong. District

3. Project Type - check one:

____ 202 or 202/8

____ Section 8 (including moderate rehabilitation and Rural Housing Service 515/8)

____ Section 221(d)(3) below-market interest rate

____ 236 insured or assisted

Attachment 2

4. Project uses which method (check one):

____ Budget-based rent increase ____ AAF increase

5. Total Number of Rental Units _____.

6. Total Number of Residents _____.

7. Estimated Number Frail elderly and non-elderly people with disabilities _____.

8. Estimated Number at-risk elderly _____

9. Are you planning to contract out for a Service Coordinator? ____ Yes ____ No

10. Development will share a Service Coordinator with other development(s)? ____ Yes ____ No

If yes, please give name and address of the development(s) and owner(s), if different.

_____

_____

EXPLANATION OF FIRST YEAR COSTS

A. First Year Program Costs

1. **Salary Rate**

a. Determine the first year's base salary level, looking at comparable positions (modified by number of hours worked).

Base salary level $_____

b. Fringe benefits
% of base salary _____ %

Dollar value $_____

c. First year salary rate $_____ + $_____ = $_____
base salary fringe benefits salary rate

Attachment 2

2. **Administrative Costs**

- First, determine start-up costs:

  Item _____ $_____

  Item _____ $_____

  Total: $_____

- Then estimate annual on-going administrative costs for your program:

  Item _____ $_____

  Item _____ $_____

  Item _____ $_____

- Identify total first year on-going administrative cost: $_____

- Sum start-up and on-going costs for year one: $_____

Is quality assurance included as an administrative cost? ___ Yes ___ No

If yes, provide justification and explanation of how it will be done.

Do you plan any activity related to setting up confidential office space for the Service Coordinator that would be considered part of start-up administrative costs? ___ Yes ___ No

If yes, provide a detailed explanation of your proposed plan.

Attachment 2

3. **Total cost**

First year's total costs:

Annual salary rate $_____ +

Allowable administrative costs $_____ =

Total cost $_____.

B. Costs for Year 2 and 3

Before determining second year costs, subtract any one-time start-up costs in year one from that year's total expected cost. Use this "adjusted" total year-one cost in the calculations below.

Use a five percent inflation factor to determine costs for years 2 and 3.

Year 1 total cost $_____ x 1.05 = total cost year 2 $_____

Year 2 total cost $_____ x 1.05 = total cost year 3 $_____

Sum costs for years 1 - 3 = $_____.
This is my total grant request.

The total grant request breaks down as follows:

	SALARY	FRINGE	ADMIN. COSTS	TOTAL
YEAR 1	$	$	$	$
YEAR 2	$	$	$	$
YEAR 3	$	$	$	$
TOTAL	$	$	$	$

USE OF RESIDUAL RECEIPTS OR EXCESS INCOME

When financially possible, developments should use available residual receipts or excess income before receiving grant funds. Owners can use residual receipts or excess income in conjunction

Attachment 2

with grant funds. Section 202 developments must maintain a minimum of $500 per unit in their residual receipts account. Indicate amounts of these funds to be used along with grant funds below:

	RESIDUAL RECEIPTS OR EXCESS INCOME	GRANT FUNDS	TOTAL
YEAR 1	$	$	$
YEAR 2	$	$	$
YEAR 3	$	$	$
TOTAL	$	$	$

C. Serving Community Residents

Do you propose to provide service coordination to low-income elderly or disabled families living in the vicinity of the development(s) included in this application? ___ Yes ____ No

If yes, please provide a narrative description of your plan to provide such services to community residents.

Description:

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____ _____

Signature Typed Name

Chairperson, Owner/borrower corporation

Attachment 3

SERVICE COORDINATOR CERTIFICATIONS

1. At least 25 percent (25%) of the residents of the development are frail or at-risk elderly and/or non-elderly people with disabilities at the time of your request to HUD.

2. There is sufficient separate office space available for the Service Coordinator (and aides, if appropriate), including space for confidential meetings and a separate location in which to secure files, without adversely affecting normal activities.

3. You (1) have not been charged with a violation of the Fair Housing Act by the Secretary; (2) are not a defendant in a Fair Housing Act lawsuit filed by the Department of Justice, and (3) have not received a letter of noncompliance findings under Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, or Section 109 of the Housing and Community Development Act.

   If you have resolved a charge, lawsuit, or letter of findings, as described above, you have done so to the satisfaction of the Department.

4. You do not have any outstanding Inspector General Audit findings.

5. Client files shall be kept in a secured location and accessible ONLY to the Service Coordinator, consistent with maintaining confidentiality of information related to any individual per the Privacy Act of 1974.

6. In the event that the Service Coordinator (directly hired or contracted) is not fully trained at the point of hiring, you agree to ensure that the Service Coordinator receives and completes appropriate training and ongoing continuing education requirements, consistent with Housing's *Management Agent* Handbook 4381.5, Revision-2, Change-2, Chapter 8.9.

7. If you are applying on behalf of a Section 202 development, the development has a residual receipts account separate from the reserve for replacement account or you agree to establish one as a condition of receiving this grant.

8. You will not use grant funds to replace currently available funding from other sources that is currently paying for a Service Coordinator or for some other staff person who performs Service Coordinator functions.

Attachment 3

SERVICE COORDINATOR CERTIFICATIONS (continued)

9. You agree to submit quarterly payment vouchers and semi-annual performance and financial status reports to your local HUD Field Office, presenting on-going information about your program's activities.

_____	_____	_____
Signature	Print Name	Date

Chairperson, Owner/borrower corporation.

Attachment 4

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one owner is proposing to share a Service Coordinator, one agency must designate itself the "lead". This agency must submit a letter following this format on organization letterhead.

Dear _____ _____
Director, Multifamily Hub/Program Center Date

The _____ for _____ is requesting grant
Owner Name Development Name and city)
funds to hire a Service Coordinator.

This request includes _____ developments, which will share a Service Coordinator.
Give #

The developments are:

Owner	Development Name and Address	$ Requested
	Total:	

The completed requests from each of these _____ applicants are attached to this letter.
Give #

Sincerely,

_____ _____
(Signature) (Typed Name)
Chairperson, owner/borrower corporation

Attachment 5

ALCP APPLICANT CHECKLIST

Use this checklist to review your materials to make sure they are properly completed and included. Submit a completed form with your request to HUD.

_____ (1)	Request Letter
_____ (2)	Lead agency letter format (if appropriate)
_____ (3)	Evidence of comparable salaries in local area.
_____ (4)	If quality assurance is included in the proposed budget, a justification and explanation of how this work will be performed.
_____ (5)	If you propose to serve low-income elderly or disabled families living in the vicinity of the development(s) included in your application, a narrative description of your plan.
_____ (6)	*(If applicable)* Evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire on or before January 3, 2003.
_____ (7)	A bank statement with the development's current residual receipts or excess income balance.
_____ (8)	Service Coordinator Certifications
_____ (9)(a)	A certification from an independent Public Accountant or the cognizant government auditor stating that the financial management system employed by the applicant meets proscribed standards for fund control and accountability required by the pertinent OMB circular.
_____(9)(b)	In the case of developments using the AAF or that are profit-motivated, the certification states that the development does not have sufficient funds from rental/other income to fund the Service Coordinator.
_____ (10)	Standard Form for Assurances - Non-Construction Programs (SF-424B)
_____ (11)	ALCP applicants' form.

Attachment 5

Original or copies of the following forms:

_____ (12) Standard Form for Application for Federal Assistance (SF-424)

_____ (13) Federal Assistance Funding Matrix and Certifications (HUD-424M)

_____ (14) Drug Free Workplace Certification (HUD-50070)

_____ (15) Disclosure Form Regarding Lobbying (SF-LLL)

_____ (16) Applicant/Recipient Disclosure/Update Report Form (HUD-2880)

_____ (17) Certification Regarding Debarment and Suspension (HUD-2992)

_____ (18) Acknowledgment of Application Receipt (HUD-2993)

Attachment 5

ALCP APPLICANTS FORM

Complete this form ONLY if you are applying for both an ALCP grant and a Service Coordinator grant. Complete Part I or II, not both.

I. I currently do not have a Service Coordinator working at the site, _____, included in my ALCP application. (Development Name)

I expect _____
residents to participate in the ALCP and to receive assistance from the Service Coordinator.

I expect _____
non-ALCP development residents to also use the services of the Service Coordinator.

The Service Coordinator will work _____
hours per week.

My first year annual cost is estimated at $_____

and my 3-year grant request is for $_____

If my ALCP application IS NOT selected to receive a grant, please enter my Service Coordinator request in the Service Coordinator national lottery. Yes____ No____

(*Your request for the number of work hours and the total number of residents to be served, as indicated above, will be entered in the lottery.)

(Continued next page)

Attachment 5

ALCP APPLICANTS FORM

II. I currently have a Service Coordinator working at the site, _____, included in my ALCP application. (Development Name)

The Service Coordinator currently works _____

hours per week and serves _____
residents.

I would like to augment the Service Coordinator's time or hire another full or part-time Service Coordinator or aide to work with ALCP residents.

My request is to add _____
hours a week to the Service Coordinator's time.

I expect to serve _____
residents in my ALCP.

My first year annual cost is estimated at $_____.

and my 3-year grant request is for $_____.

Please remember to include in your ALCP application an explanation of why you are seeking incremental hours for your Service Coordinator Program. What additional responsibilities will the Service Coordinator have in working with ALCP residents. Why are additional hours needed to make your ALCP a success?

If my ALCP application IS NOT selected for an award, I understand that HUD will not fund the incremental hours requested.

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. **Type of Submission**	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
Application ☐ Construction ☐ Non-Construction **Pre-application** ☐ Construction ☐ Non-Construction	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. **Applicant Information**

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. **Employer Identification Number (EIN) (xx-yyyyyyy)** ☐ — ☐

7. **Type of Applicant** (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

8. **Type of Application:**
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. **Name of Federal Agency**

10. **Catalog of Federal Domestic Assistance Number (xx-yyy)** ☐ — ☐

Title:

11. **Descriptive Title of Applicant's Project**

12. **Areas Affected by Project** (cities, counties, States, etc.)

13. **Proposed Project**		14. **Congressional Districts of**	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. **Estimated Funding**

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. **Total**	$	.00

Complete form HUD-424-M, Funding Matrix

16. **Is Application Subject to Review by State Executive Order 12372 Process?**

a. **Yes** This pre-application/application was made available to the State Executive Order 12372 Process for review on:

Date (mm/dd/yyyy)_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. **Is the Applicant Delinquent on Any Federal Debt?**
☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

Previous Edition Usable
Authorized for Local Reproduction

form **SF-424** (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043, Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M, Funding Matrix**. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

Assurances—Non-ConstructionPrograms

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date
X	

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date (mm/dd/yyyy)

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handboooks 7417.1, 7475.13, 7485.1, & 7485.3

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 3/31/2003)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General**. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date
Signature of Authorized Certifying Official	Title

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

PROGRAM OVERVIEW

Purpose of Program. The Housing Choice Voucher FSS program (referred to in previous NOFAs as the Section 8 FSS program and as the Rental Certificate/Housing Choice Voucher FSS program) is intended to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. As a result of their participation in the FSS program, many families have achieved stable, well-paid employment, which has made it possible for them to become homeowners. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

Funding under this NOFA may not be used to pay the salary of an FSS coordinator for a public housing FSS program. Operating subsidy may be used to fund a public housing FSS program coordinator's salary.

Available Funds. This NOFA announces the availability of up to $46.4 million in Fiscal Year (FY) 2002 for Housing Choice Voucher FSS program coordinators. If additional funding becomes available during FY 2002, HUD may increase the amount available for Housing Choice Voucher FSS Program coordinators under this NOFA. Salaries of FSS program coordinators funded under this NOFA must not exceed salaries for comparable positions in the PHA's local area and are subject to a cap of $62,000 per full time coordinator position funded. Under this NOFA, if PHAs apply jointly, the $62,000 maximum amount that may be requested per position applies to each full-time coordinator position in the application as a whole, not to each PHA separately. Evidence of salary comparability to similar positions in the local jurisdiction for each position must be kept on file in the PHA office.

Eligible Applicants: Public housing agencies (PHAs) eligible to receive funding under this NOFA are those that received funding for one or more FSS program coordinators under the FY 2001 FSS Program Coordinator NOFA and apply under this NOFA and those PHAs with HUD approval to administer a Housing Choice Voucher FSS program of at least 25 slots, or, if they are PHAs with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots, they apply jointly with one or more other PHAs so that between or among them they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. PHAs that were funded under the FY 2001 FSS NOFA that offer homeownership opportunities to FSS program participants may also apply for funding for an additional coordinator position to support homeownership activities for its FSS program participants.

Application Deadline. May 21, 2002.

Match. None

ADDITIONAL INFORMATION

If you are interested in applying for Housing Choice Voucher FSS Program Coordinator funding under this NOFA, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before May 21, 2002.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission.

Address for Submitting Applications. Your completed application consists of one original and two copies. Submit your original application and one copy with an Acknowledgment of Application Receipt, form HUD–2993, to: Michael E. Diggs, Director, PIH Grants Management Center, Department of Housing and Urban Development, 501 School Street, Suite 800, Washington, DC 20024.

Submit the second copy of your application to your local HUD Field Office Public Housing Hub or Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA. This copy is provided to the local HUD Field Office for informational purposes. Late receipt of the application by the field office will not disqualify the application.

Application Submission Procedures. New Security Procedures. HUD has implemented new security procedures that impact on application submission procedures. Please read the following instructions carefully and completely. HUD will not accept hand delivered applications. Applications may be mailed using the United States Postal Service (USPS) or may be shipped via the following delivery services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier. No other delivery services are permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.

Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12 midnight on the application due date and received by the PIH Grants Management Center on or within fifteen (15) days of the application due date. All applicants must obtain and save a Certificate of mailing showing the date, when you submitted your application to the United States Postal Service (USPS). The Certificate of Mailing will be your documentary evidence that your application was timely filed.

Applications Sent by Overnight/ Express mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Due to new security measures, you must use one of four carrier services that do business with HUD Headquarters regularly. These services are UPS, DHL, FedEx and Falcon Carrier. Delivery by these services must be made during HUD's Headquarters business hours, between 8:30 AM and 5:30 PM Eastern time, Monday to Friday. If these companies do not service your area, you should submit your application via the United States Postal Service.

For Application Kits. There is no application kit for this NOFA. This announcement contains all the information necessary for the submission of your application for Housing Choice Voucher FSS program coordinator funding.

For Further Information and Technical Assistance. For answers to your questions, you may contact the Public and Indian Housing Resource Center at 1–800–955–2232 or the Hub Director of Public Housing or the Program Center Coordinator in the local HUD Field Office or you may contact the Grants Management Center at (202) 358–0221, extension 7675. Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number). Information can be accessed via the Internet at *http://www.hud.gov/grants.*

Prior to the application deadline, staff at the numbers given above will be available to provide general guidance,

but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

Satellite Broadcast. HUD plans to hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *www.hud.gov.*

II. Amount Allocated

For FY 2002, up to $46.4 million is available under the HUD 2002 Appropriations Act for PHA administrative fees for Housing Choice Voucher FSS program coordinators. This amount is from HUD's Congressional justifications that were submitted in support of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Pub.L. 107–73, approved November 26, 2001). If additional funds become available in FY 2002, through retention, recapture, or reallocation, HUD may seek to reprogram all or some of these funds to fund additional applications submitted in response to the NOFA. This is the ninth fiscal year of funding for Housing Choice Voucher FSS program coordinators.

HUD Corrections to Funding Provided Under the FY 2001 NOFA

HUD has determined that the funding reserved under the FY 2001 Rental Certificate/Housing Choice Voucher NOFA for eleven PHAs was lower than the PHAs should have received under that NOFA and HUD believes that underfunding should be corrected. Therefore, prior to funding any applications under the FY 2002 NOFA, HUD is making funding, in the amount of $627,046 in FY 2002 funding, available to correct those errors as follows: Pico Rivera Housing Assistance Agency, CA—$60,000; New Britain Housing Authority, CT—$168,000; Cedar Rapids Housing Services, IA—$87,180; City of Louisville, KY—$70,824; East Baton Rouge Housing Authority, LA—$33,537; Salem Housing Authority, MA—$26,537; Metropolitan Council, MN—$56,738; Norfolk Housing Authority, NE—$34,800; Rochester Housing Authority, NY—$48,041; Economic Improvement Council, Inc., NC—$28,389; Municipality of Yabucoa, PR—$13,000.

III. Program Description; Eligible Applicants; Number of Positions for Which Eligible Applicants May Apply; Eligible Activities

(A) *Program Description.* Through annual NOFAs, HUD has provided funding to PHAs that are operating Housing Choice Voucher FSS programs to enable those PHAs to hire Housing Choice Voucher FSS program coordinators.

In the FY 2002 FSS NOFA, HUD is making funding available to renew positions funded under the FY 2001 FSS NOFA to allow PHAs to continue to pay the salaries of Housing Choice Voucher FSS program coordinators funded under the FY 2001 NOFA for another year.

Under this NOFA, for the first time, HUD also invites PHAs that qualify for renewal of positions awarded under the FY 2001 NOFA to apply for an additional coordinator position to support homeownership activities for its FSS program participants. To qualify for this additional position, eligible renewal PHAs must have implemented or participate in homeownership programs, including homeownership voucher programs, that are available to families participating in the FSS program.

Because of the importance of the FSS program in helping families increase earned income and develop assets, HUD will also accept applications from PHAs that were not funded under the FY 2001 NOFA. In addition, under this NOFA eligible new and renewal state and regional PHAs that have HUD approval of their FSS action plans to operate separate FSS programs of at least 25 slots in different parts of their jurisdictions may also apply for up to one new position for any part of the PHA jurisdiction where the state or regional PHA did not receive funding under the FY 2001 NOFA.

Applicants should be aware that in this NOFA, the HUD-approved FSS slots means the total number of mandatory and voluntary housing choice voucher FSS program slots identified in the PHA's HUD-approved FSS action plan. It does not mean the number of families currently enrolled in the FSS program or the number of families the PHA has served including those that have graduated. The FSS action plan can be updated by means of a simple one page addendum which reflects the total number of FSS slots (voluntary and/or mandatory slots) the PHA plans to serve. This addendum must be submitted to the PHA's local HUD office as it is approved by that office.

Both the voluntary Housing Choice Voucher FSS slots and the mandatory Housing Choice Voucher FSS slots, identified in the PHA's HUD-approved FSS Action Plan, are counted in determining the PHA's Housing Choice Voucher FSS program size. Prior to submitting an application, PHAs may wish to confirm the number of HUD-approved slots their local HUD field office has on record for the PHA to assure that it is accurate.

To qualify for consideration for funding with those FSS program coordinator applications submitted by the due date under this NOFA, amendments to change the number of FSS slots in the PHA's FSS Action Plan must be approved by the local HUD field office prior to the application due date. PHAs whose FSS action plans are approved after the due date of applications under this NOFA would be considered for funding only if funding remains after funding of all eligible applications received by the due date.

There are no maximum or minimum Housing Choice Voucher program size requirements for PHAs applying for funding under this NOFA.

(B) *Eligible Applicants.* Public housing agencies (PHAs) eligible to receive funding under this NOFA are: (1) Those PHAs that received funding under the FY 2001 NOFA for Rental Certificate/Housing Choice Voucher FSS Program Coordinators. (To qualify for renewal of positions funded under the FY 2001 FSS NOFA, the number of FSS slots in the PHA's HUD-approved FSS Action Plan must remain at a level that will support the number of positions that were funded in FY 2001 and the PHA must continue to operate an FSS program, have hired an FSS program coordinator or coordinators with funding awarded for that purpose under the FY 2001 FSS NOFA, and executed FSS contracts of participation with program participants.) (2) PHAs that were not funded under the FY 2001 FSS NOFA that are authorized through their HUD-approved FSS Action Plan to administer a Housing Choice Voucher FSS program of at least 25 slots; or, if they are PHAs with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots, they apply jointly with one or more other PHAs so that between or among them they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. Joint applicants must specify a lead co-applicant which will receive and administer the FSS program coordinator funding.

PHAs that qualify to apply as renewal PHAs under category (1) above, that have implemented or participate in

homeownership programs, including Housing Choice Voucher homeownership programs as well as other programs such as state or local homeownership programs, that are available to families participating in FSS programs, may apply for an additional coordinator position to support homeownership activities for families participating in the FSS program.

PHAs that are administering Family Self-Sufficiency programs under the Moving to Work (MTW) demonstration may qualify for funding under this NOFA if the PHA administers a Family Self-Sufficiency program that serves Housing Choice Voucher program families. When determining the size of a MTW PHA's HUD-approved FSS program, the PHA may request that the number of FSS slots reflected in the PHA's MTW agreement be used instead of the number in the PHA's FSS Action Plan.

(C) *Number of Positions for which Eligible PHAs may apply:* Eligible PHAs may apply for coordinator positions under this NOFA as follows:

(1) *PHAs funded under the FY 2001 FSS NOFA:* PHAs that received funding under the FY 2001 FSS NOFA that qualify as eligible PHAs under the definition of eligible applicants in Section III.B. of this NOFA, may apply for:

(a) Renewal of the FSS coordinator positions funded under the FY 2001 FSS NOFA that have been filled by the PHA,

(b) If the PHA administers or participates in a homeownership program which gives a selection preference for FSS families or limits eligibility to FSS families, and the PHA currently has FSS families ready to, or already participating in, a homeownership program, the PHA may apply for up to one additional full time FSS coordinator position to support FSS program homeownership activities and;

(c) If the PHA is a state or regional PHA with HUD approval to administer an FSS program in more than one part of its jurisdiction and has filled all positions funded under the FY 2001 FSS NOFA, the PHA may apply for an additional position for any area of its jurisdiction where it has HUD approval to operate a Housing Choice Voucher FSS program of at least 25 slots if the PHA was not funded for a position for that area under the FY 2001 FSS NOFA.

(2) *PHAs not funded under the FY 2001 FSS NOFA:* PHAs that were not funded under the FY 2001 FSS NOFA, including PHAs applying jointly and state and regional PHAs, that qualify as eligible new applicants under the definition of eligible applicants in Section III.B. of this NOFA may apply for positions as follows:

(a) PHAs with HUD approval to administer an FSS program of 25 or more slots may apply for up to one full time FSS coordinator position and;

(b) Eligible state or regional PHAs with HUD approval to operate FSS program in different parts of their jurisdiction may apply for up to one FSS coordinator in any area where they have HUD approval to administer a Housing Choice Voucher FSS program of at least 25 slots.

(D) *Eligible Activities.* Funds are available to PHAs under this NOFA to employ or otherwise retain the services of Housing Choice Voucher FSS program coordinators for one year. A part-time Housing Choice Voucher FSS program coordinator may be retained where appropriate. In the Housing Choice Voucher FSS program, PHAs are required to use rental assistance under the Housing Choice Voucher program together with public and private resources to provide supportive services to enable participating families to achieve economic independence and self-sufficiency. Effective delivery of supportive services is a critical element in a successful FSS program. PHAs are encouraged to outreach to disabled Housing Choice Voucher program participants who might be interested in participating in the FSS program and to include on their FSS Program Coordinating Committees agencies that work with and provide services for disabled families. The FSS program supports the Department's objective of helping poor and disadvantaged families and individuals increase wages, develop assets and move to homeownership. The program provides critical tools that can be used by communities to support welfare reform and help families develop new skills that will lead to economic self-sufficiency.

IV. Program Requirements

(A) *Program Coordinator Role.* PHAs administering the FSS program use program coordinating committees (PCCs) to assist them to secure resources and implement the FSS program. The PCC is made up of representatives of businesses, local government, job training and employment agencies, local welfare agencies, educational institutions, childcare providers, and nonprofit service providers, including faith-based and other community organizations.

An FSS program coordinator works with the PCC and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FSS program coordinator may ensure, through case management, that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. FSS coordinators may also perform job development functions for the FSS program.

(B) *Staffing Guidelines.* Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS participants, depending on the coordinator's case management functions.

(C) *Conducting Business in Accordance With HUD Core Values and Ethical Standards.* All applicants shall develop and maintain a written code of conduct that reflects their core values in accordance with the requirements stated in Section II.B.(2) of the **General Section** of this the SuperNOFA.

(D) *Other Requirements.* PHAs must meet the civil rights compliance and nondiscrimination requirements listed in the General Section of this SuperNOFA.

V. Application Selection Process

The funds available under this NOFA are not being awarded on a competitive basis. Applications will be reviewed by the Grants Management Center (GMC) to determine whether or not they are technically adequate based on the NOFA requirements. Field offices will provide to the GMC in a timely manner, as requested, information needed by the GMC to make its determination, such as the HUD-approved Housing Choice Voucher FSS program size and information on the PHA's administrative capabilities. Categories of applications that will not be funded are stated in Section VII.(B) of this NOFA.

All technically adequate applications will be funded to the extent funds are available. If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will fund eligible applicants as follows: Applications will be divided into the following categories of funding priority:

Priority 1—Applications from PHAs, including state and regional PHAs, for continuation of the position or positions funded under the FY 2001 FSS NOFA where a coordinator has been hired by the PHA.

Priority 2—Applications from eligible renewal PHAs, funded under priority 1 of this NOFA, for an additional

coordinator position to support FSS homeownership activities.

Priority 3—Priority 3 will consist of: (a) Applications for up to one initial FSS coordinator position from PHAs that were not funded under the FY 2001 FSS NOFA including, for state and regional PHAs with HUD approval to operate FSS programs in different parts of their jurisdictions, up to one FSS coordinator position per area where they are authorized to operate a Housing Choice Voucher FSS program of at least 25 FSS slots.

(b) Applications from Priority 1 (renewal) state and regional PHAs for up to one full time FSS program coordinator position in any area of their jurisdiction where they are authorized to operate a Housing Choice Voucher FSS program of at least 25 FSS slots, but did not receive funding for a full time FSS program coordinator position under the FY 2001 FSS NOFA.

HUD will first fund all eligible Priority 1 applications to continue funding for Housing Choice Voucher FSS program coordinators funded under the FY 2001 FSS NOFA where the PHA has hired an FSS program coordinator. If the amount available is not sufficient to fund all eligible applications, HUD will determine if all applications can be funded if salary increases are limited to three percent of the FY 2001 awards. If monies are still not sufficient to fund all eligible applicants, HUD will begin funding eligible applications by Housing Choice Voucher program size starting with the smallest Housing Choice Voucher programs first. Housing Choice Voucher program size will be determined by HUD using baseline data developed by the Department.

If funding remains after funding all priority 1 applications, HUD will then provide funding to eligible Priority 2 applicants for up to one additional Housing Choice Voucher FSS program coordinator position per eligible PHA to support the homeownership activities of Housing Choice Voucher FSS program participants. If there are not sufficient monies to fund an additional FSS coordinator for each Priority 2 PHA, HUD will begin funding up to one full-time coordinator for each eligible Priority 2 applicant starting with PHAs with the highest percentage of FSS families currently ready for homeownership. The percentage will be computed using the HUD-approved Housing Choice Voucher FSS program size in the PHA's HUD-approved FSS action plan.

If funding remains after funding all Priority 1 and 2 applications, HUD will then provide funding to eligible Priority 3 applicants for up to one Housing Choice Voucher FSS program coordinator position per PHA, or in the case of state and regional PHAs, up to one full time coordinator for each area where they are authorized to operate a Housing Choice Voucher program of at least 25 slots and did not receive funding for the position under the FY 2001 FSS NOFA. If there is insufficient funding for all Priority 3 applicants, funding will be awarded to applicants in Housing Choice Voucher program size order starting from the PHAs with the smallest Housing Choice Voucher programs first. Housing Choice Voucher program size will be determined by HUD using baseline data developed by the Department. If there are not sufficient monies to fund all applications from Priority 3 PHAs with the same Housing Choice Voucher program size, funding will be provided based on the size of the PHA's Housing Choice Voucher FSS program, reflected in the PHA's HUD-approved Housing Choice Voucher FSS Action Plan, starting with the largest approved Housing Choice Voucher FSS program first.

If funding remains after all eligible applications submitted in response to this NOFA are funded and received by the due date, the Grants Management Center will use any funding still available through the end of FY 2002 to fund applications submitted after the due date of this NOFA that meet all other requirements of this NOFA. These applications will be funded on a first-come, first-serve basis through September 30, 2002, as long as funds are available.

VI. Application Submission Requirements

(A) *Application Requirement for PHAs that Received FY 2001 FSS Program Coordinator Funding.* Each PHA that received funding for a Rental Certificate/Housing Choice Voucher FSS program coordinator or coordinators under the FY 2001 FSS NOFA that wishes to receive funding under this NOFA must complete a certification in the format shown as ''Attachment A'' of this NOFA, and must include all information required in ''Attachment A.'' The completed Attachment A certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of this NOFA) constitute the entire PHA application for funding under this section unless the PHA is also applying for an additional position to support FSS homeownership activities. PHAs applying for an additional position to support FSS homeownership activities must also submit Attachment E. The certifications must be submitted to the GMC by the due date to be eligible for the initial round of funding under this NOFA.

(B) *Request for FSS Program Coordinator Funds by Eligible PHAs that were NOT Funded in FY 2001.* PHAs that did not receive funding under the FY 2001 FSS Program Coordinator NOFA must complete a certification in the format shown as ''Attachment B'' of this FSS NOFA and must include all information required in Attachment B. The completed Attachment B certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of the NOFA) constitute the entire PHA application for funding under this section. The certifications must be submitted to the GMC by the due date to be considered for funding for the initial round of funding under this NOFA.

(C) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register** notice, and for no less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefing must be made in writing and submitted to Michael E. Diggs, Director, PIH Grants Management Center, Department of Housing and Urban Development, 501 School Street, Suite 800, Washington, DC 20024. Materials provided will include the final assessment indicating the basis upon which assistance was provided or denied.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Examples of correctable technical deficiencies include, but are not limited to, failure to submit the proper attachment C, D or E certifications, submission of an attachment A or B with missing information or submission of an attachment or certification that lacks an original signature by an authorized official.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period (as provided in the **General Section**), the GMC will disapprove PHA applications that it determines are not acceptable for processing under the initial round of funding.

(2) Applications from PHAs that fall into any of the following categories are

ineligible for funding under this NOFA and will not be processed:

(a) An application from a PHA that is not an eligible PHA under Section III.B. of this NOFA or an application that does not comply with the requirements of Section VI. of this NOFA.

(b) An application from a PHA that does not meet the requirements of fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA.

(c) An application from a PHA that at the end of the 14-calendar day technical correction period has not made progress satisfactory to HUD in resolving serious outstanding Inspector General audit findings, or serious outstanding HUD management review or independent public accountant (IPA) audit findings for one or more of the following programs: Housing Choice Voucher or Moderate Rehabilitation. Serious program management findings are those that would cast doubt on the capacity of the PHA to administer its Housing Choice Voucher program in accordance with applicable HUD regulatory and statutory requirements.

(d) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(e) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

(3) Otherwise eligible applications that are not received by the due date of this NOFA will not be funded unless funds remain available after all eligible applications received by the due date have been funded. If at that time all the funding under this NOFA has not been awarded, then otherwise eligible applications received after the due date will be funded on a first come, first served basis through the end of FY 2002, as long as funding remains available. If more than one such application is received at the same date and time, the application from the PHA with the smallest Housing Choice Voucher program will be funded first.

VIII. Environmental Requirements

No environmental review is required in connection with the award of assistance under this NOFA, because the NOFA only provides funds for employing a coordinator that provides public and supportive services, which are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(4) and (12).

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2002 (Pub. L. 107–73, approved November 26, 2001) allows funding for program coordinators under the Housing Choice Voucher FSS program. As a result, the Department determined to make a sufficient amount available under this NOFA, under Part 984, in accordance with section 984.302(b), to enable PHAs to employ one or more Housing Choice Voucher FSS program coordinators for one year at a reasonable cost as determined by the PHA and HUD, based on salaries for similar positions in the locality.

BILLING CODE 4210–32–P

ATTACHMENT A

REQUIRED CERTIFICATION FORMAT FOR FY 2002 HOUSING CHOICE VOUCHER FSS PROGRAM COORDINATOR FUNDING FOR PHAs THAT RECEIVED FUNDING UNDER THE FY 2001 RENTAL CERTIFICATE/ HOUSING CHOICE VOUCHER FSS PROGRAM COORDINATOR NOFA

Mr. Michael E. Diggs, Director
Grants Management Center
501 School Street, Suite 800
Washington, DC 20024

Dear Mr. Diggs:

In connection with the FY 2002 NOFA for Housing Choice Voucher FSS program coordinators, I hereby certify for the _____(enter PHA name. For joint applications, please indicate the names of all co-applicants and identify the lead PHA that received and administered funds received under the FY 2001 NOFA.) that:

(1) The PHA received funding under the FY 2001 FSS program coordinator NOFA for ___(enter number of positions that were funded) FSS program coordinators.

(2) The PHA's HUD-approved FSS Action Plan continues to reflect a number of FSS slots that support the level of funding received in FY 2001.

(3) The PHA continues to operate an FSS program and has hired _____(enter number of positions filled) FSS program coordinators using HUD funds provided for that purpose under the FY 2001 FSS program coordinator NOFA, and,

(4) The PHA has executed FSS contracts of participation with FSS program participants.

(5) The PHA has/has not (indicate appropriate choice) filled all FSS program coordinator positions funded under the FY 2001 FSS NOFA (If all positions have not been filled, the PHA must state here the number of FSS coordinator positions not yet filled and the salary provided under the FY 2001 NOFA for each position);

(6) Funding requested for renewal positions:

(a) Total number of renewal positions:_____. (Enter the total number of positions for which the PHA is requesting funding to continue a position or positions funded under the FY 2001 FSS NOFA. The PHA may receive renewal funding only for those positions where they have hired an FSS coordinator to fill the position.);

(b) Total salary:_____ (State the total salary amount, including fringe benefits, for each renewal position or if appropriate, the number of positions at each salary level. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $62,000 per position.)

(7) The PHA is/is not (indicate appropriate choice) applying for an additional FSS program coordinator in support of FSS homeownership activities. (PHAs applying for an FSS coordinator to support homeownership activities must state total salary requested for the position – base salary plus fringe benefits, and complete Attachment E of this NOFA and submit it with their FSS application.)

(8) The PHA is/is not (indicate appropriate choice) a state or regional PHA operating separate Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

(9) New positions for State or regional agencies. A State or regional PHA applying for coordinator positions for programs operated in different parts of its jurisdiction where they did not receive funding for a coordinator under the FY 2001 NOFA must identify for each new coordinator position requested: the geographic area where the PHA is authorized to operate a separate FSS program, the number of HUD-approved FSS slots for that area and the total salary, including fringe benefits, requested for the coordinator position for that area.

(10) Total Positions Requested Under This NOFA:____ (Enter the total number of Housing Choice Voucher program coordinator positions requested under the FY 2002 Housing Choice Voucher FSS NOFA. Total should include renewal positions, and, if applicable, the new

position to support homeownership activities, if requested, and, for state and regional PHAs, any new positions requested for areas where a coordinator was not funded under the FY 2001 NOFA)

(11) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the above positions is on file at the PHA.

If there are any questions, please contact _____ at _____

Sincerely,

Executive Director

ATTACHMENT B

Required Format for Certification from PHAs that Did Not Receive Rental Certificate/Housing Choice Voucher FSS Program Coordinator Funding under the FY 2001 NOFA

Mr. Michael E. Diggs,
Director, Grants Management Center
501 School Street, Suite 800
Washington, DC 20024

Dear Mr. Diggs:

In connection with the FY 2002 NOFA for FSS program coordinators, this is a request for funds to pay the salary of _____ (Enter number of positions.) Housing Choice Voucher FSS program coordinators for one year. (NOTE: Under this NOFA, only state and regional PHAs with HUD approval to operate separate FSS programs of at least 25 slots in different parts of the PHA's jurisdiction may apply for more than one full-time FSS program coordinator.) I hereby certify for the _____ (Enter PHA name. For joint applications, indicate the names of all co-applicants and identify the lead PHA that will receive and administer the funding requested under this NOFA.) that:

1. Our HUD-Approved FSS Program Size is: _____. (Enter the total number of HUD-approved voluntary and mandatory Housing Choice Voucher FSS program slots identified in the PHAs HUD-Approved FSS Action Plan OR when PHAs are applying jointly, the combined total of Rental Certificate/Housing Choice Voucher FSS program slots in the HUD-approved Action plans of the PHAs.)

2. The PHA is/is not (indicate appropriate choice) a State or regional PHA operating separate Housing Choice Voucher FSS programs in more than one part of its jurisdiction.

3. Positions and Salary Requested: Total Housing Choice Voucher FSS Program

Coordinator salary, INCLUDING, if applicable, amount for fringe benefits: _____.

If funding is being requested by a state or regional PHA for positions in more than one location in its jurisdiction, the PHA must provide information in the format below for each location where positions are requested.

Location: _____ , # of approved FSS slots:____, Salary, including fringe benefits: _____.

4. Evidence demonstrating salary comparability to similar position in the local jurisdiction is on file in the PHA office.

If there are any questions, please contact _____at _____.

Sincerely,

Executive Director

ATTACHMENT C

FAIR HOUSING AND EQUAL OPPORTUNITY CERTIFICATIONS

The housing agency (PHA) certifies that in administering the funding for the Rental Certificate/Housing Choice Voucher Family Self-Sufficiency program coordinators it will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing. CDBG recipients also must certify to compliance with section 109 of the Housing and Community Development Act.

Name of PHA

_____

Signature and Title of PHA Representative Date

_____ _____

ATTACHMENT D

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite

for making or entering into this transaction imposed by section 1342, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature of PHA Representative	Name of PHA
Name of Signatory (Print or Type)	Date signed

ATTACHMENT E

HOMEOWNERSHIP PROGRAM CERTIFICATION

The _____(Enter housing agency (PHA) name or names) certifies that:

1) The PHA administers (or participates) in the following homeownership program or programs:

2) The homeownership program or programs above gives a selection preference for families participating in the PHA's FSS program or limits eligibility for the homeownership program to FSS program participants.

3) The PHA currently has _____ (enter number) FSS families participating in or ready to participate in the homeownership program identified above.

Name of PHA/PHAs:

Name of Signatory PHA Representative (Type or Print):

Signature of PHA representative:

Date Signed;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To help eligible doctoral students cultivate their research skills through the preparation of research manuscripts that focus on housing and urban development issues.

Available Funds. Approximately $150,000 in FY 2002 funds.

Eligible Applicants: Only pre-dissertation Ph.D. students whose studies include urban economics as a major or concentration within another field related to housing and urban development.

Application Deadline. June 20, 2002.

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002. You should read the **General Section** of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. All applications must be submitted via the United States Postal Service to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 6P, 2277 Research Blvd., Rockville, MD 20850. You should read the **General Section** of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is for the Early Doctoral Student Research Grant Program.

HUD will accept only one application per doctoral student.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Armand Carrier of HUD's Office of University Partnerships at 202–708–3061 ext 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carrier via e-mail at Armand_W._Carriere@hud.gov.

II. Amount Allocated

Approximately $150,000 in FY 2002 funds is being made available under this SuperNOFA for Early Doctoral Student Research Grant Program (EDSRG).

The maximum grant period is 12 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a doctoral student is $15,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

Program Description; Eligible Applicants; Eligible Activities

(A) Program Description. The purpose of the EDSRG is to enable doctoral students to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues. The program will also provide a forum for new scholars to share their research findings through presentation of this research to a scholarly conference and/or publication in a refereed journal. The FY 2002 EDSRG Program seeks to fund research studies that will inform Federal problem solving and policymaking relating to HUD's policy priorities for this year. Examples of topics addressing these priorities include but are not limited to:

- *Homeownership*

1. Homeownership
   (a) Relative importance of factors in tenure decisions
   (b) Estimation of private and social benefits and costs of homeownership
   (c) Role in employment, household savings, and investment decisions
   (d) Effects of demographics, macro-economic environment and government policies on homeownership
   (e) Effects of homeownership on low- and moderate-income
2. Housing finance
   (a) Institutional barriers to efficiency in the housing finance system
   (b) Enabling the housing finance system to better serve low-income and minority borrowers
3. Home Equity Conversion Mortgages

- *Housing Market Conditions*

1. Housing markets
   (a) Factors affecting rents, home values, tenure, vacancy rates
   (b) Market absorption of new units
   (c) Construction activity
1. Housing Stock
   (a) Durability of stock
   (b) Energy efficiency
   (c) Factors determining rehabilitation and remodeling
   (d) Comparisons with stock in other developed countries
3. Availability of Affordable Housing
   (a) Policy and program options in tight or ''soft'' markets
   (b) Preservation of existing stock

- *Equal Opportunity and Access to Housing*

1. Effectiveness of different models (including local initiatives) for promoting Fair Housing Objectives
2. Discrimination in housing and lending
   (a) Methods to detect discrimination
   (b) Systemic patterns and practices

- *Homelessness*

1. Strategies to combat homelessness
   (a) Addressing chronic homelessness
   (b) Preventing homelessness
   (c) Helping families move from transitional to permanent housing
   (d) Issues and responses to youth homelessness
   (e) Causes of homelessness

- *Community and Economic Development*

1. Create or expand business
   (a) Meet the needs of underserved inner city, older suburb, or rural areas
   (b) Expansion of access to capital
   (c) Joint ventures with faith-based or other community-based grassroots organizations
2. Development of inner cities
   (a) Studies of reinvestment pressures
   (b) Theories of capital/land/market failure that help to explain depopulation or disinvestment
   (c) Government policies or market interventions that would alleviate these patterns
3. Regionalism and growth management
   (a) The economic interdependence of cities and suburbs
   (b) Rehabilitation and infill development
   (c) Regional problem solving and coalition building
   (d) Reinvestment in the urban core
   (e) Impact of community economic development policies, programs, and initiatives

- *Faith-Based and Other Community-Based Partnerships*

1. Community development and community building
   (a) Role of faith-based groups in low-income housing and community development efforts
   (b) Faith-based and higher education community building efforts
2. Evaluation of college/community partnerships and institutionalizing

these partnerships at colleges and universities

- *Assisted Housing Programs*

1. Affordability of rental housing
   (a) Innovative partnerships or finance tools
   (b) Cost-benefit analyses of alternative methods of providing housing assistance
   (c) Effectiveness of voucher programs
   (d) Evaluations of existing programs
2. Housing needs of the elderly and persons with disabilities
   (a) Availability
   (b) Design and Quality, including Accessibility
   (c) Affordability
   (d) Linked Services
3. Strategies for helping families in public and assisted housing make progress toward self-sufficiency and become homeowners.

- *Colonias*

1. How current housing policies determine the kinds of housing available
2. The perception of ''community'' in colonias
3. Evaluation of existing housing programs in colonias

(B) *Eligible Applicants.* You must meet the following requirements:

(1) You must be a currently enrolled and full-time student in an accredited doctoral program at an accredited institution of higher education;

(2) You must have urban economics as your major field or as a concentration within a major in another field related to housing and urban development;

(3) You must not have taken your preliminary/comprehensive examinations;

(4) You must have completed at least two semesters or three terms of your doctoral studies program (depending on the course structure of the institution); and

(5) You must have been assigned a faculty advisor to supervise your research manuscript.

You must provide documentation from the chair of your department that you meet all of these conditions and that in his/her opinion it is realistic to believe that the research manuscript can be completed within the one-year grant period. In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a research manuscript. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Three thousand dollars of the grant will be held back until you have completed your research manuscript and either it has been accepted for presentation at a conference or for publication in a refereed journal by September 30, 2003, or a committee of three faculty members (including your faculty sponsor, as the principal investigator of the grant) has determined and certified to HUD that the manuscript is of high quality and worthy of submission to conferences or journals.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements*:

(1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to you, the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise your work under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, halfway through your grant, on the progress you have made towards completion of the research manuscript and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible doctoral student, as defined in Section III(B) above and have provided a letter from your department chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the grant maximum of $15,000; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Capacity To Do the Research (20 Points)

In reviewing this factor, HUD will determine the extent to which:

(1) Your skills and experience are relevant to your proposed research manuscript (*e.g.*, course work, teaching, research projects, presentations);

(2) You have undertaken appropriate preparation (*e.g.*, preliminary design of the survey collection instruments, pre-clearance on interviews) to undertake the dissertation; and

(3) Your proposed research will help to further your research skills (*i.e*, it is relevant to the kinds of projects you will continue to work on as you earn your Ph.D.).

Rating Factor 2: Need for the Research (35 Points)

In reviewing this factor, HUD will determine the extent to which your research manuscript will produce policy-relevant information that is directly related to one of the research priorities listed above (*i.e.*, the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD Web site at *http://www.hud.gov/about/budget/fy02/cjs/fy2002app.pdf* for a discussion of these goals. The less directly related to one of these topics your research is, the fewer points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 3: Soundness of Approach (35 Points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already

completed or existing publications in the field related to your research questions.

In reviewing this factor, HUD will also determine the extent to which your research design and methodology and plan for completion of your research manuscript can feasibly be completed within the one-year grant period. Applications that propose extremely complex and time-consuming data collection efforts (*e.g.*, major longitudinal studies or a very large number of sites visits within the grant period) will be determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the grant period (*e.g.*, Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get zero points for this factor.

Rating Factor 4: Issuance of Your Research Manuscript (10 Points)

One purpose of the EDSRG Program is to fund research studies that will inform Federal problem solving and policymaking relating to HUD's policy priorities for this year. HUD, therefore, will evaluate the likelihood that the manuscript will be ready to present at a conference or be ready for publication in a refereed journal by September 30, 2003. HUD will also evaluate your plans to disseminate your research though other means, *e.g.*, seminars, your university's publications, or relevant internet listserves.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest-ranking applicant, and proceed with negotiations with that applicant.

(D) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carrier of HUD's Office of University Partnerships, Robert C. Weaver Building, 451 7th St. SW., Room 8106, Washington DC 20410. You may also write to Mr. Carrier via e-mail at *Armand_W._Carrie@hud.gov.*

Information provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application, referred to as the ''non-standard forms,'' can be found as Appendix A to this program section of the SuperNOFA. The Catalog of Federal Domestic Assistance number for this program is 14.517 and is listed in the program chart in the **General Section** of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter*, from you, containing the following information:

(1) Title of your research project;

(2) Your name, university and home addresses, university and home telephone numbers, facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your faculty advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your department chair that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 5 double-spaced typed pages. This narrative must include the following items in the following order:

(1) Statement of the problem;

(2) Your capacity to do the research. (Include your resume, showing educational background, research experience, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.)

(3) Need for the research;

(4) Approach (research design and methodology);

(5) Your plan for disseminating your research.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of

1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow, are required for your Early Doctoral Student Research Grant application.

BILLING CODE 4210–32–P

Appendix A

SAMPLE STATEMENT FROM ADVISOR

March 10, 2002

To Whom It May Concern:

Jane Jones is a doctoral student at Northern State University. As of the date of this letter her major field of study is (e.g., planning, public policy, urban studies) with a concentration in urban economics. She has completed three terms of her doctoral coursework and has not yet taken her comprehensive examinations. An advisor has been assigned to her for the work she would do under this grant. It is realistic to expect that the proposed research manuscript will be completed within the one-year grant period and either accepted for presentation at a scholarly conference and/or publication in a refereed journal by September 30, 2003, or certified by a faculty committee that it is worthy of being submitted for presentation or publication.

Sincerely,

Dr. Peter Paul
Professor and Chair
Department of City Planning

Appendix B

SAMPLE DESCRIPTION OF UNIVERSITY SUPPORT

March 9, 2002

To Whom It May Concern:

John Grey is a doctoral student in the Planning Department at Eastern University, working on a research manuscript titled "The Economics of Smart Growth." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Mr. Grey without charge to the grant for which he is applying.

Prof. Bradley Street
Department of Geography
Dissertation Committee Chair

Appendix C

BUDGET INSTRUCTIONS

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all applications, and some applications may have expense categories not shown. The sample is representative, not binding.

John Jones
621 Elm Street
Academia, USA 12345
March 10, 2002

"The Economics of Smart Growth"

Services:

Applicant (J. Jones):			
_____days @ $_____/day	=	$	x,xxx
Other Professionals:			
A. Smith, _____days @ $_____/day	=	$	xx,xxx
B. Brown, _____days @ $_____/day		=	$ xxx
Clerical:			
C. Johnson,_____days @ $_____/day	=	$	xxx
Subtotal, Service		=	$xx,xxx
Other:			
Travel: _____trips @ $_____/trip		=	$ x,xxx
Computer Usage	=	$	xxx
Reproduction Costs		=	$ xxx
Phone, Mailing, Misc. Materials		=	$ xxx
Subtotal, Other	=	$	x,xxx
Total Estimated Cost			$xx,xxx

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To assist Ph.D. candidates complete their research and dissertations on housing and urban development issues.

Available Funds. Approximately $400,000 in FY 2002 funds.

Eligible Applicants: Only Ph.D. candidates who have completed all of their doctoral program requirements except the preparation of the dissertation.

Application Deadline. June 20, 2002.

Match. None.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before June 20, 2002. You should read the general section of the SuperNOFA because it contains more detailed information about the application due date.

Address for Submitting Applications. Your completed application consists of an original signed application and an electronic copy of the application. All applications must be submitted via the United States Postal Service to the following address: University Partnerships Clearinghouse, Aspen Systems Corporation, Mail Stop 6P, 2277 Research Blvd., Rockville, MD 20850. You should read the General Section of the SuperNOFA because it contains more detailed information on submission deadlines. Please mark on the envelope for your application that it is the Doctoral Dissertation Research Grant Program.

HUD will accept only one application per Ph.D. candidate.

For Application Kits. The application requirements are contained in this program NOFA. There is no separate application kit for the program.

For Further Information and Technical Assistance. You may contact Armand Carriere of HUD's Office of University Partnerships at 202–708–3061, extension 3181. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Mr. Carriere via e-mail at *Armand_W._Carrier@hud.gov.*

II. Amount Allocated

Approximately $400,000 in FY 2002 funds is being made available under this SuperNOFA for the Doctoral Dissertation Research Grant Program (DDRG).

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested by and awarded to a Ph.D. candidate is $25,000. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of DDRG is to enable Ph.D. candidates enrolled at accredited institutions of higher education to complete their research and dissertations on HUD-related housing and urban development issues. The FY 2002 DDRG program seeks to fund dissertations that will inform Federal problem-solving and policy making relating to policy-relevant issues. Examples of such topics include but are not limited to:

- *Homeownership*

1. Homeownership
   (a) Relative importance of factors in tenure decisions
   (b) Estimation of private and social benefits and costs of homeownership
   (c) Role in employment, household savings, and investment decisions
   (d) Effects of demographics, macro-economic environment and government policies on homeownership
   (e) Effects of homeownership on low- and moderate-income households
2. Housing finance
   (a) Institutional barriers to efficiency in the housing finance system
   (b) Enabling the housing finance system to better serve low-income and minority borrowers
3. Home Equity Conversion Mortgages

- *Housing Market Conditions*

1. Housing Markets
   (a) Factors affecting rents, home values, tenure, vacancy rates
   (b) Market absorption of new units
   (c) Construction activity
2. Housing Stock
   (a) Durability of stock
   (b) Energy efficiency
   (c) Factors determining rehabilitation and remodeling
   (a) Comparisons with stock in other developed countries
3. Availability of Affordable Housing
   (a) Policy and program options in tight or ''soft'' markets
   (b) Preservation of existing stock

- *Equal Opportunity and Access to Housing*

1. Effectiveness of different models (including local initiatives) for promoting Fair Housing Objectives
2. Discrimination in housing and lending
   (a) Methods to detect discrimination
   (b) Systemic patterns and practices

- *Homelessness*

1. Strategies to combat homelessness
   (a) Addressing chronic homelessness
   (b) Preventing homelessness
   (c) Helping families move from transitional to permanent housing
   (d) Causes of homelessness
   (e) Issues and responses to youth homelessness

- *Community and Economic Development*

1. Create or expand business
   (a) Meet the needs of underserved inner city, older suburb, or rural areas
   (b) Expansion of access to capital
   (c) Joint ventures with faith-based or other community-based grassroots organizations
2. Development of inner cities
   (a) Studies of reinvestment pressures
   (b) Theories of capital/land/market failure that help to explain depopulation or disinvestment
   (c) Government policies or market interventions that would alleviate these patterns
3. Regionalism and growth management
   (a) The economic interdependence of cities and suburbs
   (b) Rehabilitation and infill development
   (c) Regional problem solving and coalition building
   (d) Reinvestment in the urban core
   (e) Impact of community economic development policies, programs, and initiatives

- *Faith-Based and Other Community-Based Partnerships*

1. Community development and community building
   (a) Role of faith-based groups in low-income housing and community development efforts
   (b) Faith-based and higher education community building efforts
2. Evaluation of college/community partnerships and institutionalizing these partnerships at colleges and universities

- *Assisted Housing Programs*

1. Affordability of rental housing
   (a) Innovative partnerships or finance tools
   (b) Cost-benefit analyses of alternative

methods for providing housing assistance
(c) Effectiveness of voucher programs
(d) Evaluations of existing programs
2. Housing needs of the elderly and persons with disabilities
(a) Availability
(b) Design and Quality, including Accessibility
(c) Affordability
(d) Linked Services
3. Strategies for helping families in public and assisted housing make progress toward self-sufficiency and become homeowners.

- *Colonias*

1. How current housing policies determine the kinds of housing available
2. The perception of ''community'' in colonias
3. Evaluation of existing housing programs in colonias

(B) *Eligible Applicants.* You must be a currently enrolled and matriculated student who has been accepted into candidacy in an accredited doctoral program at an accredited institution of higher education and have a fully developed and approved dissertation proposal. You must provide documentation from your dissertation committee chair that:

(1) By the application due date, your dissertation proposal has been accepted by your full dissertation committee and you have been assigned a dissertation advisor;

(2) By September 1, 2002, you will have satisfactorily completed all other written and oral Ph.D. requirements, including all your examinations and defense of your proposal, except the dissertation; and

(3) It is realistic to believe that the dissertation can be completed within the two-year grant period.

In addition, you and your institution must meet all the applicable threshold requirements found in Section II(B) of the **General Section** of the SuperNOFA.

Note: Institutions which have had previously awarded Doctoral Dissertation Research Grants terminated for non-performance and have outstanding funds owed to HUD resulting from this determination will be excluded from competition for the Doctoral Dissertation Research Grant program until the outstanding funds are repaid.

(C) *Eligible Activities.* Your grant must support direct costs incurred in the timely completion of a dissertation. Eligible costs include stipends, computer software, the purchase of data, travel expenses to collect data; transcription services, and compensation for interviews. Six thousand dollars of the grant will be held back until you have completed your dissertation, had it approved by your committee, and submitted it to HUD.

(D) *Ineligible Activities.* Your grant may not be used to pay for tuition, computer hardware, or meals.

(E) *Other Requirements.* (1) *Support from your university.* Support from your university is required. Such support might include tuition waivers, office space, equipment, computer time, or similar items you might need in order to complete your dissertation. This support may not replace support or assistance that your institution would otherwise provide you.

(2) *University sponsorship.* The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to you, the approved applicant, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a dissertation advisor or chair of the applicant's dissertation committee who shall supervise your work under the Grant Agreement.

(3) *Progress reporting.* You will be required to submit a report, at the end of the first year of your grant, on the progress you have made towards completion of the dissertation and the likelihood that you will complete it on time.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine your eligibility to apply; and a technical review to rate your application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if the following standards are met:

(1) You are an eligible Ph.D. candidate, as defined in Section III(B) above and have provided a letter from your dissertation committee chair, in the format in Appendix A, confirming this;

(2) You have requested no more than the $25,000 grant maximum; and

(3) Your institution has agreed to provide some support to you as part of this grant.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 100.

Rating Factor 1: Capacity To Do the Research (20 points)

In reviewing this factor, HUD will determine the extent to which your skills and experience are relevant to your proposed dissertation (e.g., course work, teaching, research projects, presentations). HUD will determine the extent to which you have undertaken appropriate preparation (e.g., selecting sites for data collection, identifying potential interviewees and categories of interviewees, pre-clearance on interviews) to undertake the dissertation. HUD will also determine the extent to which your previous research experience (e.g., graduate-level research projects, presentations at conferences, publications, etc.) is relevant to and supportive of your proposed dissertation.

Rating Factor 2: Need for Your Research (35 Points)

In reviewing this factor, HUD will determine the extent to which your dissertation will produce policy-relevant information that is directly related to one of the research priorities listed above (i.e., the research that will be produced could have an effect on HUD's strategic goals and HUD's programs and policies to achieve these goals—see the HUD Web site at *http://www.hud.gov/about/budget/fy02/cjs/fy2002app.pdf* for a discussion of these goals). The less directly related to one of these topics your dissertation is, the fewer points you will receive. For example, a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

Rating Factor 3: Soundness of Approach (35 Points)

In reviewing this factor, HUD will determine the extent to which your research design and methodology are likely to produce data and information that will successfully answer your research hypotheses. HUD will also evaluate the extent to which the methodology you propose to use is sound and generally accepted by the relevant research community. Reviewers will be looking at the extent to which you use standard methodological practices in line with research already completed or existing publications in the field related to your research questions.

HUD will also determine the extent to which your research design and methodology and plan for completion of

the dissertation can be completed within the two-year grant period. Applications that propose extremely complex and time-consuming data collection efforts (e.g., major longitudinal studies or a very large number of sites visits within the two year grant period) will be determined to be less feasible of completion within the allowed time frame. For example, if you propose a methodology based on information that may not be publicly available until after the end of the two-year grant period (e.g., Census information), or a data collection plan that will take longer than the time you have allowed for it, you will get zero points.

Rating Factor 4: Dissemination of Your Dissertation (10 Points)

An important purpose of the DDRG Program is to fund research that will inform Federal problem-solving and policy making relating to housing and urban development. In reviewing this factor, HUD will evaluate the likelihood that your research will be ready and suitable for publication or presentation at policy conference by the end of the grant period. HUD will also evaluate your plans to disseminate your research though other means, e.g., seminars, your university's publications, or relevant internet list services.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 1, Relevance to HUD's Mission, shall be selected. If there is still a tie, the application with the most points for Factor 2, Quality of the Research Design, shall be selected.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest-ranking applicant, and proceed with negotiations with that applicant.

(D) *Applicant Debriefing.* Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for not less than 120 days after awards for assistance are announced, HUD will provide a debriefing to any applicant requesting a debriefing on their application. All requests for debriefings must be made in writing and submitted to Armand Carriere of HUD's Office of University Partnerships Robert C. Weaver Building, 451 7th St. SW., Room 8106, Washington DC 20410. You may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov.*

V. Application Submission Requirements

You should include an original and one computer disk (in Word 6.0 or higher) of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section and they must be included in the order shown here. There is no separate application kit for this program. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application, referred to as the ''non-standard forms,'' can be found as Appendix A to this program section of the SuperNOFA. The Catalog of Federal Domestic Assistance number for this program is 14.516 and is listed in the program chart in the **General Section** of the SuperNOFA. Sample documents are also included in this appendix. The items are as follows:

(A) *SF–424, Application for Federal Assistance.* Include the name and address of the person authorized to execute the grant agreement in Block 5. Include the institution's tax ID number in Block 6. The form should be signed by the appropriate university official.

(B) *Table of contents of the application.*

(C) *Transmittal Letter,* from you, containing the following information:

(1) Title of your dissertation;

(2) Your name, university and home addresses, university and home telephone and facsimile numbers, and email address;

(3) Your university's name, department, mailing address, telephone and facsimile numbers.

(4) Your dissertation advisor's name, address, telephone and facsimile numbers—this person will serve as the Principal Investigator for the grant.

(D) A statement from your dissertation advisor or chair of the dissertation committee that you have met all the eligibility criteria described in Section III(B) (see Appendix A for a sample).

(E) A statement from the appropriate official that describes your university's support, as described in Section III(E) (see Appendix B for a sample).

(F) An abstract of 500 words or less that addresses the following topics:

(1) Specific purpose of the dissertation;

(2) Methodology being used; and

(3) How you meet the eligibility criteria.

(G) A narrative of the proposed research, not to exceed 10 double-spaced typed pages. Do not submit your dissertation proposal itself. This narrative must include the following in the following order:

(1) Statement of the problem;

(2) Your capacity to do the research. (Include your resume, showing educational background, research experience, background in statistics and empirical research, computer experience, and background in housing and/or urban studies.)

(3) Need for the research;

(4) Approach (research design and methodology);

(5) Your plan for disseminating your research.

(H) A proposed budget (See Appendix C for a sample).

(I) *Certifications.* These forms must be signed by the doctoral candidate and can be downloaded from the HUD web site at www.hud.gov.

(1) HUD–2992, Certification regarding debarment and suspension pursuant to 24 CFR part 24.

(2) HUD–50071, Disclosure of lobbying pursuant to 24 CFR part 87.

(3) HUD–50070, Certification of Drug-Free Workplace, pursuant to 24 CFR 24.600 *et seq.*

(J) *Acknowledgment of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

VI. Environmental Requirements

The provision of assistance under this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under § 50.19(b)(1) and (b)(9).

VII. Authority

This program is being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970.

Appendices A, B and C

The non-standard sample forms and letters, which follow, are required for your Doctoral Dissertation Research Grant application.

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Appendix A

SAMPLE STATEMENT FROM ADVISOR

March 10, 2002

To Whom It May Concern:

John Jones, a Ph.D. candidate in urban studies at Northern State University, will have defended his dissertation proposal as of the date of this letter. The dissertation committee has formally approved of his dissertation proposal. A dissertation advisor has been assigned to him. In addition, he will have completed all written and oral Ph.D. examination requirements by September 1, 2002. It is realistic to believe that Mr. Jones' dissertation can be completed within a two-year period.

Sincerely,

Dr. Peter Paul
Professor of Urban Studies and Chairman
of John Jones' Dissertation Committee

Appendix B

SAMPLE DESCRIPTION OF UNIVERSITY SUPPORT

March 9, 2002

To Whom It May Concern:

Sarah Grey is a Ph.D. student in the Geography Department of Eastern University, working on a dissertation titled "Redevelopment Practices in Elm City." Office space, computer hardware, software for preparing statistical summaries, a research library, and several bibliographic databases will be available to Ms. Grey without charge to the grant for which she is applying.

Sincerely,

Prof. Bradley Street
Department of Geography
Dissertation Committee Chair

Appendix C

BUDGET INSTRUCTIONS

A sample budget for an application is shown below. The categories of expenses shown do not necessarily apply to all applications, and some applications may have expense categories not shown. The sample is representative, not binding.

John Jones
621 Elm Street
Academia, USA 12345
March 10, 2002

"A Study of Faith-Based Organizations' Effectiveness in Local Community Development Projects"

Services:

Applicant (J. Jones):			
_____days @ $_____/day	=	$	x,xxx
Other Professionals:			
A. Smith, _____days @ $_____/day	=	$	xx,xxx
B. Brown, _____days @ $_____/day		=	$ xxx
Clerical:			
C. Johnson,_____days @ $_____/day	=	$	xxx
Subtotal, Service		=	$xx,xxx
Other:			
Travel: _____trips @ $_____/trip		=	$ x,xxx
Computer Usage	=	$	xxx
Reproduction Costs		=	$ xxx
Phone, Mailing, Misc. Materials		=	$ xxx
Subtotal, Other	=	$	x,xxx
Total Estimated Cost			$xx,xxx

[FR Doc. 02–6710 Filed 3–25–02; 8:45 am]
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S. 1857/P.L. 107–153

To encourage the negotiated settlement of tribal claims. (Mar. 19, 2002; 116 Stat. 79)

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